

---

SENATE BILL 5563

---

State of Washington

65th Legislature

2017 Regular Session

By Senators Fortunato, Hawkins, and Brown

Read first time 01/27/17. Referred to Committee on Human Services,  
Mental Health & Housing.

1 AN ACT Relating to providing flexibility to school districts to  
2 reduce costs related to compliance with truancy laws; and amending  
3 RCW 28A.225.015, 28A.225.018, 28A.225.020, 28A.225.025, 28A.225.030,  
4 28A.225.090, and 28A.225.151.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 28A.225.015 and 1999 c 319 s 6 are each amended to  
7 read as follows:

8 (1) If a parent enrolls a child who is six or seven years of age  
9 in a public school, the child is required to attend and that parent  
10 has the responsibility to ensure the child attends for the full time  
11 that school is in session. An exception shall be made to this  
12 requirement for children whose parents formally remove them from  
13 enrollment if the child is less than eight years old and a petition  
14 has not been filed against the parent under subsection (3) of this  
15 section. The requirement to attend school under this subsection does  
16 not apply to a child enrolled in a public school part-time for the  
17 purpose of receiving ancillary services. A child required to attend  
18 school under this subsection may be temporarily excused upon the  
19 request of his or her parent for purposes agreed upon by the school  
20 district and parent.

1 (2) If a six or seven year old child is required to attend public  
2 school under subsection (1) of this section and that child has  
3 unexcused absences, the public school in which the child is enrolled  
4 shall:

5 (a) Inform the child's custodial parent, parents, or guardian by  
6 a notice in writing or by telephone whenever the child has failed to  
7 attend school after one unexcused absence within any (~~month~~)  
8 thirty-day period during the current school year;

9 (b) Request a conference or conferences with the custodial  
10 parent, parents, or guardian and child at a time reasonably  
11 convenient for all persons included for the purpose of analyzing the  
12 causes of the child's absences after two unexcused absences within  
13 any (~~month~~) thirty-day period during the current school year. If a  
14 regularly scheduled parent-teacher conference day is to take place  
15 within thirty days of the second unexcused absence, then the school  
16 district may schedule this conference on that day; and

17 (c) Take steps to eliminate or reduce the child's absences. These  
18 steps shall include, where appropriate, adjusting the child's school  
19 program or school or course assignment, providing more individualized  
20 or remedial instruction, offering assistance in enrolling the child  
21 in available alternative schools or programs, or assisting the parent  
22 or child to obtain supplementary services that may help eliminate or  
23 ameliorate the cause or causes for the absence from school.

24 (3) If a child required to attend public school under subsection  
25 (1) of this section has seven unexcused absences in a (~~month~~)  
26 thirty-day period or ten unexcused absences in a school year, the  
27 school district shall file a petition for civil action as provided in  
28 RCW 28A.225.035 against the parent of the child.

29 (4) This section does not require a six or seven year old child  
30 to enroll in a public or private school or to receive home-based  
31 instruction. This section only applies to six or seven year old  
32 children whose parents enroll them full time in public school and do  
33 not formally remove them from enrollment as provided in subsection  
34 (1) of this section.

35 **Sec. 2.** RCW 28A.225.018 and 2016 c 205 s 3 are each amended to  
36 read as follows:

37 (1) Except as provided in subsection (2) of this section, in the  
38 event that a child in elementary school is required to attend school  
39 under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused

1 absences in a single (~~month~~) thirty-day period during the current  
2 school year, or ten or more excused absences in the current school  
3 year, the school district shall schedule a conference or conferences  
4 with the parent and child at a time reasonably convenient for all  
5 persons included for the purpose of identifying the barriers to the  
6 child's regular attendance, and the supports and resources that may  
7 be made available to the family so that the child is able to  
8 regularly attend school. If a regularly scheduled parent-teacher  
9 conference day is to take place within thirty days of the absences,  
10 the school district may schedule this conference on that day. To  
11 satisfy the requirements of this section, the conference must include  
12 at least one school district employee such as a nurse, counselor,  
13 social worker, teacher, or community human services provider, except  
14 in those instances regarding the attendance of a child who has an  
15 individualized education program or a plan developed under section  
16 504 of the rehabilitation act of 1973, in which case the reconvening  
17 of the team that created the program or plan is required.

18 (2) A conference pursuant to subsection (1) of this section is  
19 not required in the event of excused absences for which prior notice  
20 has been given to the school or a doctor's note has been provided and  
21 an academic plan is put in place so that the child does not fall  
22 behind.

23 **Sec. 3.** RCW 28A.225.020 and 2016 c 205 s 4 are each amended to  
24 read as follows:

25 (1) If a child required to attend school under RCW 28A.225.010  
26 fails to attend school without valid justification, the public school  
27 in which the child is enrolled shall:

28 (a) Inform the child's parent by a notice in writing or by  
29 telephone whenever the child has failed to attend school after one  
30 unexcused absence within any (~~month~~) thirty-day period during the  
31 current school year. School officials shall inform the parent of the  
32 potential consequences of additional unexcused absences. If the  
33 parent is not fluent in English, the school must make reasonable  
34 efforts to provide this information in a language in which the parent  
35 is fluent;

36 (b) Schedule a conference or conferences with the parent and  
37 child at a time reasonably convenient for all persons included for  
38 the purpose of analyzing the causes of the child's absences after  
39 (~~two~~) three unexcused absences within any (~~month~~) thirty-day

1 period during the current school year. If a regularly scheduled  
2 parent-teacher conference day is to take place within thirty days of  
3 the (~~second~~) third unexcused absence, then the school district may  
4 schedule this conference on that day; and

5 (c) Take data-informed steps to eliminate or reduce the child's  
6 absences. These steps (~~shall~~) may include application of the  
7 Washington assessment of the risks and needs of students (WARNS) or  
8 other screening or assessment tool by a school district's designee  
9 under RCW 28A.225.026, and where appropriate, providing an available  
10 approved best practice or research-based intervention, or both,  
11 consistent with the (~~WARNS profile,~~) results of the screening or  
12 assessment tool. The school may take flexible actions appropriate to  
13 the individual circumstances of the child, including adjusting the  
14 child's school program or school or course assignment, providing more  
15 individualized or remedial instruction, providing appropriate  
16 vocational courses or work experience, referring the child to a  
17 community truancy board, requiring the child to attend an alternative  
18 school or program, or assisting the parent or child to obtain  
19 supplementary services that might eliminate or ameliorate the cause  
20 or causes for the absence from school. If the child's parent does not  
21 attend the scheduled conference, the conference may be conducted with  
22 the student and school official. However, the parent shall be  
23 notified of the steps to be taken to eliminate or reduce the child's  
24 absence.

25 (2) For purposes of this chapter, an "unexcused absence" means  
26 that a child:

27 (a) Has failed to attend the majority of hours or periods in an  
28 average school day or has failed to comply with a more restrictive  
29 school district policy; and

30 (b) Has failed to meet the school district's policy for excused  
31 absences.

32 (3) If a child transfers from one school district to another  
33 during the school year, the receiving school or school district shall  
34 include the unexcused absences accumulated at the previous school or  
35 from the previous school district for purposes of this section, RCW  
36 28A.225.030, and 28A.225.015. The sending school district shall  
37 provide this information to the receiving school, together with a  
38 copy of any previous assessment as required under subsection (1)(c)  
39 of this section, history of any best practices or researched-based  
40 intervention previously provided to the child by the child's sending

1 school district, and a copy of the most recent truancy information  
2 including any online or written acknowledgment by the parent and  
3 child, as provided for in RCW 28A.225.005.

4 **Sec. 4.** RCW 28A.225.025 and 2016 c 205 s 5 are each amended to  
5 read as follows:

6 (1) For purposes of this chapter, "community truancy board" means  
7 a board established pursuant to a memorandum of understanding between  
8 a juvenile court and a school district and composed of members of the  
9 local community in which the child attends school. (~~All~~) Members of  
10 a community truancy board (~~must~~) may receive training regarding the  
11 identification of barriers to school attendance, the use of the  
12 Washington assessment of the risks and needs of students (WARNS) or  
13 other assessment tools to identify the specific needs of individual  
14 children, trauma-informed approaches to discipline, evidence-based  
15 treatments that have been found effective in supporting at-risk youth  
16 and their families, and the specific services and treatment available  
17 in the particular school, court, community, and elsewhere. Duties of  
18 a community truancy board (~~shall~~) may include, but not be limited  
19 to: Identifying barriers to school attendance, recommending methods  
20 for improving attendance such as connecting students and their  
21 families with community services, culturally appropriate promising  
22 practices, and evidence-based services such as functional family  
23 therapy, multisystemic therapy, and aggression replacement training,  
24 suggesting to the school district that the child enroll in another  
25 school, an alternative education program, an education center, a  
26 skill center, a dropout prevention program, or another public or  
27 private educational program, or recommending to the juvenile court  
28 that a juvenile be referred to a HOPE center or crisis residential  
29 center.

30 (2) The legislature finds that utilization of community truancy  
31 boards is the preferred means of intervention when preliminary  
32 methods to eliminate or reduce unexcused absences as required by RCW  
33 28A.225.020 have not been effective in securing the child's  
34 attendance at school. The legislature intends to encourage and  
35 support the development and expansion of community truancy boards.  
36 Operation of a school truancy board does not excuse a district from  
37 the obligation of filing a petition within the requirements of RCW  
38 28A.225.015(3).

1       **Sec. 5.** RCW 28A.225.030 and 2016 c 205 s 7 are each amended to  
2 read as follows:

3       (1) If a child under the age of seventeen is required to attend  
4 school under RCW 28A.225.010 and if the actions taken by a school  
5 district under RCW 28A.225.020 are not successful in substantially  
6 reducing an enrolled student's absences from public school, (~~not~~  
7 ~~later than~~) upon the seventh unexcused absence by a child within any  
8 (~~month~~) thirty-day period during the current school year or (~~not~~  
9 ~~later than~~) the tenth unexcused absence during the current school  
10 year the school district (~~shall~~) may file a petition and supporting  
11 affidavit for a civil action with the juvenile court alleging a  
12 violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or  
13 (c) by the parent and the child. The petition must include a list of  
14 all interventions that have been attempted as set forth in RCW  
15 28A.225.020, include a copy of any previous truancy assessment  
16 completed by the child's current school district, the history of  
17 approved best practices intervention or research-based intervention  
18 previously provided to the child by the child's current school  
19 district, and a copy of the most recent truancy information document  
20 signed by the parent and child, pursuant to RCW 28A.225.005. Except  
21 as provided in this subsection, no additional documents need be filed  
22 with the petition. Nothing in this subsection requires court  
23 jurisdiction to terminate when a child turns seventeen or precludes a  
24 school district from filing a petition for a child that is seventeen  
25 years of age.

26       (2) The district shall not later than the fifth unexcused absence  
27 in a (~~month~~) thirty-day period:

28       (a) Enter into an agreement with a student and parent that  
29 establishes school attendance requirements;

30       (b) Refer a student to a community truancy board as defined in  
31 RCW 28A.225.025. The community truancy board shall enter into an  
32 agreement with the student and parent that establishes school  
33 attendance requirements and take other appropriate actions to reduce  
34 the child's absences; or

35       (c) File a petition under subsection (1) of this section.

36       (3) The petition may be filed by a school district employee who  
37 is not an attorney.

38       (4) If the school district fails to file a petition under this  
39 section, the parent of a child with five or more unexcused absences  
40 in any (~~month~~) thirty-day period during the current school year or

1 upon the tenth unexcused absence during the current school year may  
2 file a petition with the juvenile court alleging a violation of RCW  
3 28A.225.010.

4 (5) Petitions filed under this section may be served by certified  
5 mail, return receipt requested. If such service is unsuccessful, or  
6 the return receipt is not signed by the addressee, personal service  
7 is required.

8 **Sec. 6.** RCW 28A.225.090 and 2016 c 205 s 9 are each amended to  
9 read as follows:

10 (1) A court may order a child subject to a petition under RCW  
11 28A.225.035 to do one or more of the following:

12 (a) Attend the child's current school, and set forth minimum  
13 attendance requirements, which shall not consider a suspension day as  
14 an unexcused absence;

15 (b) If there is space available and the program can provide  
16 educational services appropriate for the child, order the child to  
17 attend another public school, an alternative education program,  
18 center, a skill center, dropout prevention program, or another public  
19 educational program;

20 (c) Attend a private nonsectarian school or program including an  
21 education center. Before ordering a child to attend an approved or  
22 certified private nonsectarian school or program, the court shall:

23 (i) Consider the public and private programs available; (ii) find  
24 that placement is in the best interest of the child; and (iii) find  
25 that the private school or program is willing to accept the child and  
26 will not charge any fees in addition to those established by contract  
27 with the student's school district. If the court orders the child to  
28 enroll in a private school or program, the child's school district  
29 shall contract with the school or program to provide educational  
30 services for the child. The school district shall not be required to  
31 contract for a weekly rate that exceeds the state general  
32 apportionment dollars calculated on a weekly basis generated by the  
33 child and received by the district. A school district shall not be  
34 required to enter into a contract that is longer than the remainder  
35 of the school year. A school district shall not be required to enter  
36 into or continue a contract if the child is no longer enrolled in the  
37 district;

38 (d) Submit to a substance abuse assessment if the court finds on  
39 the record that such assessment is appropriate to the circumstances

1 and behavior of the child and will facilitate the child's compliance  
2 with the mandatory attendance law and, if any assessment, including a  
3 urinalysis test ordered under this subsection indicates the use of  
4 controlled substances or alcohol, order the minor to abstain from the  
5 unlawful consumption of controlled substances or alcohol and adhere  
6 to the recommendations of the substance abuse assessment at no  
7 expense to the school;

8 (e) Submit to a mental health evaluation or other diagnostic  
9 evaluation and adhere to the recommendations of the drug assessment,  
10 at no expense to the school, if the court finds on the court records  
11 that such evaluation is appropriate to the circumstances and behavior  
12 of the child, and will facilitate the child's compliance with the  
13 mandatory attendance law; or

14 (f) Submit to a temporary placement in a crisis residential  
15 center or a HOPE center if the court determines there is an immediate  
16 health and safety concern, or a family conflict with the need for  
17 mediation.

18 (2) If the child fails to comply with the court order, the court  
19 may (~~order the child to be subject to detention, as provided in RCW~~  
20 ~~7.21.030(2)(e), or may impose alternatives to~~) impose sanctions that  
21 do not include detention, such as community restitution. (~~Failure by~~  
22 ~~a child to comply with an order issued under this subsection shall~~  
23 ~~not be subject to detention for a period greater than that permitted~~  
24 ~~pursuant to a civil contempt proceeding against a child under chapter~~  
25 ~~13.32A RCW. Detention ordered under this subsection may be for no~~  
26 ~~longer than seven days. Detention ordered under this subsection shall~~  
27 ~~preferably be served at a secure crisis residential center close to~~  
28 ~~the child's home rather than in a juvenile detention facility. A~~  
29 ~~warrant of arrest for a child under this subsection may not be served~~  
30 ~~on a child inside of school during school hours in a location where~~  
31 ~~other students are present.))~~

32 (3) Any parent violating any of the provisions of either RCW  
33 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than  
34 twenty-five dollars for each day of unexcused absence from school.  
35 The court shall remit fifty percent of the fine collected under this  
36 section to the child's school district. It shall be a defense for a  
37 parent charged with violating RCW 28A.225.010 to show that he or she  
38 exercised reasonable diligence in attempting to cause a child in his  
39 or her custody to attend school or that the child's school did not  
40 perform its duties as required in RCW 28A.225.020. The court may



1 order the parent to provide community restitution instead of imposing  
2 a fine. Any fine imposed pursuant to this section may be suspended  
3 upon the condition that a parent charged with violating RCW  
4 28A.225.010 shall participate with the school and the child in a  
5 supervised plan for the child's attendance at school or upon  
6 condition that the parent attend a conference or conferences  
7 scheduled by a school for the purpose of analyzing the causes of a  
8 child's absence.

9 (4) If a child continues to be truant after entering into a  
10 court-approved order with the truancy board under RCW 28A.225.035,  
11 the juvenile court shall find the child in contempt, and the court  
12 may (~~order the child to be subject to detention, as provided in RCW~~  
13 ~~7.21.030(2)(c), or may impose alternatives to~~) impose sanctions that  
14 do not include detention, such as meaningful community restitution.  
15 (~~Failure by a child to comply with an order issued under this~~  
16 ~~subsection may not subject a child to detention for a period greater~~  
17 ~~than that permitted under a civil contempt proceeding against a child~~  
18 ~~under chapter 13.32A RCW.))~~

19 (5) Subsections (1), (2), and (4) of this section shall not apply  
20 to a six or seven year old child required to attend public school  
21 under RCW 28A.225.015.

22 **Sec. 7.** RCW 28A.225.151 and 1996 c 134 s 5 are each amended to  
23 read as follows:

24 (1) As required under subsection (2) of this section, each school  
25 shall document the actions taken under RCW 28A.225.030 and report  
26 this information to the school district superintendent who shall  
27 compile the data for all the schools in the district and prepare an  
28 annual school district report for each school year and submit the  
29 report to the superintendent of public instruction. The reports shall  
30 be made upon forms furnished by the superintendent of public  
31 instruction and shall be transmitted as determined by the  
32 superintendent of public instruction.

33 (2) The reports under subsection (1) of this section shall  
34 include:

35 (a) The number of enrolled students and the number of unexcused  
36 absences;

37 (b) Documentation of the steps taken by the school district under  
38 each subsection of RCW 28A.225.020 at the request of the  
39 superintendent of public instruction. Each year, by May 1st, the

1 superintendent of public instruction shall select ten school  
2 districts to submit the report at the end of the following school  
3 year. The ten districts shall represent different areas of the state  
4 and be of varied sizes. In addition, the superintendent of public  
5 instruction shall require any district that fails to keep appropriate  
6 records to submit a full report to the superintendent of public  
7 instruction under this subsection. All school districts shall  
8 document steps taken under RCW 28A.225.020 in each student's record,  
9 and make those records available upon request consistent with the  
10 laws governing student records;

11 (c) The number of enrolled students with ten or more unexcused  
12 absences in a school year or five or more unexcused absences in a  
13 (~~month~~) thirty-day period during a school year;

14 (d) A description of any programs or schools developed to serve  
15 students who have had five or more unexcused absences in a (~~month~~)  
16 thirty-day period or ten in a year including information about the  
17 number of students in the program or school and the number of  
18 unexcused absences of students during and after participation in the  
19 program. The school district shall also describe any placements in an  
20 approved private nonsectarian school or program or certified program  
21 under a court order under RCW 28A.225.090; and

22 (e) The number of petitions filed by a school district with the  
23 juvenile court.

24 (3) A report required under this section shall not disclose the  
25 name or other identification of a child or parent.

26 (4) The superintendent of public instruction shall collect these  
27 reports from all school districts and prepare an annual report for  
28 each school year to be submitted to the legislature no later than  
29 December 15th of each year.

--- END ---