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**HOUSE BILL 1106**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representatives Orwall, Kilduff, Wylie, Santos, Leavitt, and Walen

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1 AN ACT Relating to eliminating use of detention for violation of  
2 a truancy-related court order while providing more opportunities for  
3 truant youth to access services and treatment; amending RCW 7.21.030,  
4 28A.225.090, 28A.225.026, and 28A.225.027; and providing an effective  
5 date.

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

7 **Sec. 1.** RCW 7.21.030 and 2001 c 260 s 6 are each amended to read  
8 as follows:

9 (1) The court may initiate a proceeding to impose a remedial  
10 sanction on its own motion or on the motion of a person aggrieved by  
11 a contempt of court in the proceeding to which the contempt is  
12 related. Except as provided in RCW 7.21.050, the court, after notice  
13 and hearing, may impose a remedial sanction authorized by this  
14 chapter.

15 (2) If the court finds that the person has failed or refused to  
16 perform an act that is yet within the person's power to perform, the  
17 court may find the person in contempt of court and impose one or more  
18 of the following remedial sanctions:

19 (a) Imprisonment if the contempt of court is of a type defined in  
20 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so  
21 long as it serves a coercive purpose.

1 (b) A forfeiture not to exceed two thousand dollars for each day  
2 the contempt of court continues.

3 (c) An order designed to ensure compliance with a prior order of  
4 the court.

5 (d) Any other remedial sanction other than the sanctions  
6 specified in (a) through (c) of this subsection if the court  
7 expressly finds that those sanctions would be ineffectual to  
8 terminate a continuing contempt of court.

9 (e) In cases under chapters 13.32A(~~(7)~~) and 13.34(~~(7)~~—~~and~~  
10 ~~28A.225~~)) RCW, commitment to juvenile detention for a period of time  
11 not to exceed seven days. This sanction may be imposed in addition  
12 to, or as an alternative to, any other remedial sanction authorized  
13 by this chapter. This remedy is specifically determined to be a  
14 remedial sanction.

15 (3) The court may, in addition to the remedial sanctions set  
16 forth in subsection (2) of this section, order a person found in  
17 contempt of court to pay a party for any losses suffered by the party  
18 as a result of the contempt and any costs incurred in connection with  
19 the contempt proceeding, including reasonable attorney's fees.

20 (4) If the court finds that a person under the age of eighteen  
21 years has willfully disobeyed the terms of an order issued under  
22 chapter 10.14 RCW, the court may find the person in contempt of court  
23 and may, as a sole sanction for such contempt, commit the person to  
24 juvenile detention for a period of time not to exceed seven days.

25 **Sec. 2.** RCW 28A.225.090 and 2017 c 291 s 5 are each amended to  
26 read as follows:

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

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

32 (b) If there is space available and the program can provide  
33 educational services appropriate for the child, order the child to  
34 attend another public school, an alternative education program,  
35 center, a skill center, dropout prevention program, or another public  
36 educational program;

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

1 (i) Consider the public and private programs available; (ii) find  
2 that placement is in the best interest of the child; and (iii) find  
3 that the private school or program is willing to accept the child and  
4 will not charge any fees in addition to those established by contract  
5 with the student's school district. If the court orders the child to  
6 enroll in a private school or program, the child's school district  
7 shall contract with the school or program to provide educational  
8 services for the child. The school district shall not be required to  
9 contract for a weekly rate that exceeds the state general  
10 apportionment dollars calculated on a weekly basis generated by the  
11 child and received by the district. A school district shall not be  
12 required to enter into a contract that is longer than the remainder  
13 of the school year. A school district shall not be required to enter  
14 into or continue a contract if the child is no longer enrolled in the  
15 district;

16 (d) Submit to a substance abuse assessment if the court finds on  
17 the record that such assessment is appropriate to the circumstances  
18 and behavior of the child and will facilitate the child's compliance  
19 with the mandatory attendance law and, if any assessment, including a  
20 urinalysis test ordered under this subsection indicates the use of  
21 controlled substances or alcohol, order the minor to abstain from the  
22 unlawful consumption of controlled substances or alcohol and adhere  
23 to the recommendations of the substance abuse assessment at no  
24 expense to the school; or

25 (e) Submit to a mental health evaluation or other diagnostic  
26 evaluation and adhere to the recommendations of the drug assessment,  
27 at no expense to the school, if the court finds on the court records  
28 that such evaluation is appropriate to the circumstances and behavior  
29 of the child, and will facilitate the child's compliance with the  
30 mandatory attendance law.

31 (2) ~~((a))~~ If the child fails to comply with the court order, the  
32 court may impose:

33 ~~((i))~~ (a) Community restitution;

34 ~~((ii))~~ (b) Nonresidential programs with intensive wraparound  
35 services;

36 ~~((iii))~~ (c) A requirement that the child meet with a mentor for  
37 a specified number of times; or

38 ~~((iv))~~ (d) Other services and interventions that the court  
39 deems appropriate.

1       ~~((b) If the child continues to fail to comply with the court~~  
2 ~~order and the court makes a finding that other measures to secure~~  
3 ~~compliance have been tried but have been unsuccessful and no less~~  
4 ~~restrictive alternative is available, the court may order the child~~  
5 ~~to be subject to detention, as provided in RCW 7.21.030(2)(e).~~  
6 ~~Failure by a child to comply with an order issued under this~~  
7 ~~subsection shall not be subject to detention for a period greater~~  
8 ~~than that permitted pursuant to a civil contempt proceeding against a~~  
9 ~~child under chapter 13.32A RCW. Detention ordered under this~~  
10 ~~subsection may be for no longer than seven days. Detention ordered~~  
11 ~~under this subsection shall preferably be served at a secure crisis~~  
12 ~~residential center close to the child's home rather than in a~~  
13 ~~juvenile detention facility. A warrant of arrest for a child under~~  
14 ~~this subsection may not be served on a child inside of school during~~  
15 ~~school hours in a location where other students are present.))~~

16       (3) Any parent violating any of the provisions of either RCW  
17 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than  
18 twenty-five dollars for each day of unexcused absence from school.  
19 The court shall remit fifty percent of the fine collected under this  
20 section to the child's school district. It shall be a defense for a  
21 parent charged with violating RCW 28A.225.010 to show that he or she  
22 exercised reasonable diligence in attempting to cause a child in his  
23 or her custody to attend school or that the child's school did not  
24 perform its duties as required in RCW 28A.225.020. The court may  
25 order the parent to provide community restitution instead of imposing  
26 a fine. Any fine imposed pursuant to this section may be suspended  
27 upon the condition that a parent charged with violating RCW  
28 28A.225.010 shall participate with the school and the child in a  
29 supervised plan for the child's attendance at school or upon  
30 condition that the parent attend a conference or conferences  
31 scheduled by a school for the purpose of analyzing the causes of a  
32 child's absence.

33       (4) If a child continues to be truant after entering into a  
34 court-approved order with the truancy board under RCW 28A.225.035,  
35 the juvenile court shall find the child in contempt, and the court  
36 may ~~((order the child to be subject to detention, as provided in RCW~~  
37 ~~7.21.030(2)(e), or may))~~ impose alternatives to detention ~~((such as~~  
38 ~~meaningful community restitution. Failure by a child to comply with~~  
39 ~~an order issued under this subsection may not subject a child to~~  
40 ~~detention for a period greater than that permitted under a civil~~

1 ~~contempt proceeding against a child under chapter 13.32A RCW)~~  
2 consistent with best practice models for reengagement with school.

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

6 **Sec. 3.** RCW 28A.225.026 and 2017 c 291 s 4 are each amended to  
7 read as follows:

8 (1) By the beginning of the 2017-18 school year, juvenile courts  
9 must establish, through a memorandum of understanding with each  
10 school district within their respective counties, a coordinated and  
11 collaborative approach to address truancy through the establishment  
12 of a community truancy board or, with respect to certain small  
13 districts, through other means as provided in subsection (3) of this  
14 section.

15 (2) Except as provided in subsection (3) of this section, each  
16 school district must enter into a memorandum of understanding with  
17 the juvenile court in the county in which it is located with respect  
18 to the operation of a community truancy board. A community truancy  
19 board may be operated by a juvenile court, a school district, or a  
20 collaboration between both entities, so long as the agreement is  
21 memorialized in a memorandum of understanding. For a school district  
22 that is located in more than one county, the memorandum of  
23 understanding shall be with the juvenile court in the county that  
24 acts as the school district's treasurer.

25 (3) A school district with fewer than three hundred students must  
26 enter into a memorandum of understanding with the juvenile court in  
27 the county in which it is located with respect to: (a) The operation  
28 of a community truancy board; or (b) addressing truancy through other  
29 coordinated means of intervention aimed at identifying barriers to  
30 school attendance, and connecting students and their families with  
31 community services, culturally appropriate promising practices, and  
32 evidence-based services such as functional family therapy. School  
33 districts with fewer than three hundred students may work  
34 cooperatively with other school districts or the school district's  
35 educational service district to ensure access to a community truancy  
36 board or to provide other coordinated means of intervention.

37 (4) All school districts must designate, and identify to the  
38 local juvenile court and to the office of the superintendent of  
39 public instruction, a person or persons to coordinate school district

1 efforts to address excessive absenteeism and truancy, including tasks  
2 associated with: Outreach and conferences pursuant to RCW  
3 28A.225.018; entering into a memorandum of understanding with the  
4 juvenile court; establishing protocols and procedures with the court;  
5 coordinating trainings; sharing evidence-based and culturally  
6 appropriate promising practices; identifying a person within every  
7 school to serve as a contact with respect to excessive absenteeism  
8 and truancy; and assisting in the recruitment of community truancy  
9 board members.

10 (5) As has been demonstrated by school districts and county  
11 juvenile courts around the state that have worked together and led  
12 the way with community truancy boards, success has resulted from  
13 involving the entire community and leveraging existing dollars from a  
14 variety of sources, including public and private, local and state,  
15 and court, school, and community. In emulating this coordinated and  
16 collaborative approach statewide pursuant to local memoranda of  
17 understanding, courts and school districts are encouraged to create  
18 strong community-wide partnerships and to leverage existing dollars  
19 and resources.

20 (6) The legislature applauds the collaborative efforts currently  
21 underway in some communities across the state, between juvenile  
22 courts on the one hand, and school districts, educational service  
23 districts, and community truancy boards on the other hand, aimed at  
24 improving attendance through case management and intervention, and  
25 the provision of supports and services such as classes and activities  
26 to help engage children in productive and positive activities,  
27 screenings to identify barriers to attendance and specific needs of  
28 individual children, trauma-informed approaches to discipline,  
29 evidence-based treatments that have been found to be effective in  
30 supporting at-risk youth and their families, such as functional  
31 family therapy and dialectical behavioral therapy, and culturally  
32 appropriate promising practices. The legislature encourages other  
33 juvenile courts to follow the lead of those already engaged in  
34 collaborative, community-wide efforts to improve attendance and to  
35 use distributions received pursuant to the omnibus appropriations act  
36 for truancy petitions to engage in similar collaborative efforts  
37 aimed at improving attendance.

38 **Sec. 4.** RCW 28A.225.027 and 2016 c 205 s 20 are each amended to  
39 read as follows:

1 (1) Subject to funds appropriated for this purpose, the office of  
2 the superintendent of public instruction shall allocate to community  
3 truancy boards grant funds that may be used to supplement existing  
4 funds in order to pay for training for board members or the provision  
5 of services and treatment to children and their families. Twenty-five  
6 percent of the funds appropriated may be allocated as grant funds for  
7 training and seventy-five percent of the funds appropriated may be  
8 allocated as grant funds for the provision of services and treatment  
9 to children and their families.

10 (2) The superintendent of public instruction must select grant  
11 recipients based on the criteria in this section. This is a  
12 competitive grant process. A prerequisite to applying for either or  
13 both grants is a memoranda of understanding, between a school  
14 district and a court, to institute a new or maintain an existing  
15 community truancy board that meets the requirements of RCW  
16 28A.225.025.

17 (3) Successful applicants for an award of grant funds to  
18 supplement existing funds to pay for the training of community  
19 truancy board members must commit to the provision of training to  
20 board members regarding the identification of barriers to school  
21 attendance, the use of the Washington assessment of the risks and  
22 needs of students (WARNS) or other assessment tools to identify the  
23 specific needs of individual children, trauma-informed approaches to  
24 discipline, research about adverse childhood experiences, evidence-  
25 based treatments and culturally appropriate promising practices, as  
26 well as the specific academic and community services and treatments  
27 available in the school, court, community, and elsewhere. This  
28 training may be provided by educational service districts.

29 (4) Successful applicants for an award of grant funds to  
30 supplement existing funds to pay for services and treatments provided  
31 to children and their families must commit to the provision of  
32 academic services such as tutoring, credit retrieval and school  
33 reengagement supports, community services, and evidence-based  
34 treatments that have been found to be effective in supporting at-risk  
35 youth and their families, such as functional family therapy and  
36 dialectical behavioral therapy, or those that have been shown to be  
37 culturally appropriate promising practices.

1        NEW SECTION.    **Sec. 5.**    Sections 1 and 2 of this act take effect  
2    July 1, 2020.

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