
SENATE BILL 5153

State of Washington

67th Legislature

2021 Regular Session

By Senators Wilson, C., Conway, Dhingra, Hasegawa, Kuderer, Nobles, and Saldaña; by request of Superintendent of Public Instruction

Read first time 01/12/21. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to school attendance; amending RCW 28A.225.015,
2 28A.225.018, 28A.225.020, 28A.225.025, 28A.225.026, 28A.225.030,
3 28A.225.035, 28A.225.151, 28A.225.027, 28A.225.0261, 28A.225.005,
4 28A.225.010, 28A.225.023, 28A.225.031, 28A.225.060, 28A.225.080,
5 28A.225.090, 28A.225.170, 28A.225.200, 28A.225.215, 28A.225.220,
6 28A.225.225, 28A.225.260, 28A.225.270, 28A.225.310, 28A.225.330, and
7 28A.225.350; reenacting and amending RCW 28A.225.290; adding a new
8 section to chapter 28A.225 RCW; and creating a new section.

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

10 NEW SECTION. **Sec. 1.** The COVID-19 pandemic has highlighted how
11 important regular attendance and connection to school is for
12 students' academic and social-emotional well-being. The legislature
13 acknowledges that all absences, not just unexcused, have the
14 potential to impact student learning.

15 Washington state data shows that students of color, students who
16 experience poverty, homelessness, or foster care, and students with
17 disabilities have the highest rates of absences. Students who are
18 chronically absent, defined as missing 10 percent or more of
19 scheduled instructional days, are more likely not to read at grade
20 level by the third grade and are less likely to graduate.

1 Absences can be an indicator to educators that a student's
2 academic and social-emotional needs may not be met through the
3 district, school, or classroom culture or climate. Absences can also
4 cue educators that a student and their family may need additional
5 support.

6 The legislature finds that a multitiered system of support that
7 is inclusive of attendance ensures students benefit from nurturing
8 environments and equitable access to instruction and supports that
9 are culturally and linguistically responsive, universally designed,
10 and differentiated to meet their unique needs. Such a system includes
11 data-based decision making; team-driven leadership; family, student,
12 and community engagement; delivery of a continuum of supports; and
13 evidenced-based practices. Implementation of tiered supports will
14 reduce absences, improve student success, and reduce the number of
15 students that are referred to juvenile court for truancy. As such,
16 the legislature intends to promote the expectation for and ability of
17 school districts to use tiered supports for the purposes of
18 increasing positive attendance.

19 **Part I**

20 **Sec. 101.** RCW 28A.225.015 and 2017 c 291 s 1 are each amended to
21 read as follows:

22 (1) If a parent enrolls a (~~child~~) student who is six or seven
23 years of age in a public school, the (~~child~~) student is required to
24 attend and that parent has the responsibility to ensure the (~~child~~)
25 student attends for the full time that school is in session. An
26 exception shall be made to this requirement for (~~children~~) students
27 whose parents formally remove them from enrollment if the (~~child~~)
28 student is less than eight years old and a petition has not been
29 filed against the parent under subsection (3) of this section. The
30 requirement to attend school under this subsection does not apply to
31 a (~~child~~) student enrolled in a public school part-time for the
32 purpose of receiving ancillary services. A (~~child~~) student required
33 to attend school under this subsection may be temporarily excused
34 upon the request of his or her parent for purposes agreed upon by the
35 school district and parent.

36 (2) If a six or seven year old (~~child~~) student is required to
37 attend public school under subsection (1) of this section and that
38 (~~child~~) student has unexcused absences, the public school in which

1 the ((child)) student is enrolled shall implement the following
2 interventions and supports:

3 (a) Inform the ((child's—custodial)) student's parent((~~7~~
4 ~~parents,~~) or guardian by a notice in writing or by telephone
5 ((~~whenever the child has failed to attend school after one unexcused~~
6 ~~absence within any month during the current school year~~)) each day
7 the student is absent without communication from the parent or
8 guardian regarding the absence. If the parent or guardian is not
9 fluent in English, or is an individual who is deaf or hard of
10 hearing, or blind or low vision, the school must provide this
11 information in a language the parent or guardian understands, or
12 other mode of communication used by the parent or guardian, including
13 providing language assistance as required under Title VI of the civil
14 rights act of 1964 or Title II of the Americans with disabilities
15 act;

16 (b) ((Request)) Schedule or attempt to schedule a conference or
17 conferences with the ((custodial)) parent((~~7~~~~parents,~~) or guardian
18 and ((child)) student at a time reasonably convenient for all persons
19 included for the purpose of ((~~analyzing the causes of the child's~~
20 ~~absences after three unexcused absences within any month during the~~
21 ~~current school year. If a regularly scheduled parent-teacher~~
22 ~~conference day is to take place within thirty days of the third~~
23 ~~unexcused absence, then the school district may schedule this~~
24 ~~conference on that day~~)) understanding causes for the student's
25 absences and determining data-based practices for removing barriers
26 to attendance;

27 (i) For this conference, and all communications relating to
28 attendance, the district must provide necessary language assistance
29 for students and parents with limited-English proficiency under Title
30 VI of the civil rights act of 1964 and Title II of the Americans with
31 disabilities act of 1990.

32 (ii) For conferences with students who have an individualized
33 education program or a plan developed under section 504 of the
34 rehabilitation act of 1973, a school district member of the team
35 responsible for developing the program or plan must attend.

36 (iii) To satisfy the requirements of this section, the conference
37 must include at least one school district employee such as a nurse,
38 counselor, social worker, teacher, or community human services
39 provider; and

1 (c) Take steps to eliminate or reduce the ((child's)) student's
2 absences. These steps ((shall)) must include(~~(, where appropriate,~~
3 ~~adjusting the child's school program or school or course assignment,~~
4 ~~providing more individualized or remedial instruction,~~ offering
5 assistance in enrolling the child in available alternative schools or
6 programs, or assisting the parent or child to obtain supplementary
7 services that may help eliminate or ameliorate the cause or causes
8 for the absence from school)) culturally responsive, evidence-based,
9 or promising practices that may help eliminate or ameliorate the
10 cause or causes for the absence from school.

11 (3) ((If)) School districts may file a petition for civil action
12 as provided in RCW 28A.225.035 when a ((child)) student required to
13 attend public school under subsection (1) of this section has
14 ((seven)) five unexcused absences in a month (~~(or ten unexcused~~
15 ~~absences in a school year, the school district shall file a petition~~
16 ~~for civil action as provided in RCW 28A.225.035 against the parent of~~
17 ~~the child)).~~

18 (4) School districts must file a petition for civil action as
19 provided in RCW 28A.225.035 no later than 15 unexcused absences in a
20 month or cumulative in a school year.

21 (a) Prior to filing a petition the school district must attempt
22 and document the attempted interventions under subsection (2) of this
23 section.

24 (b) School districts must ensure that absences are verified and
25 accurately recorded as excused or unexcused before filing a petition,
26 to the extent that is feasible.

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

33 **Sec. 102.** RCW 28A.225.018 and 2016 c 205 s 3 are each amended to
34 read as follows:

35 (1) Except as provided in subsection (2) of this section, in the
36 event that a ((child)) student in elementary school is required to
37 attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or
38 more excused absences in a single month during the current school
39 year, or ((ten)) 10 or more excused absences in the current school

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

17 (a) For this conference, and all communications relating to
18 attendance, the district must provide necessary language assistance
19 for students and parents with limited-English proficiency under Title
20 VI of the civil rights act of 1964 and Title II of the Americans with
21 disabilities act of 1990.

22 (b) For conferences with students who have an individualized
23 education program or a plan developed under section 504 of the
24 rehabilitation act of 1973, a school district member of the team
25 responsible for developing the program or plan must attend.

26 (c) To satisfy the requirements of this section, the conference
27 must include at least one school district employee such as a nurse,
28 counselor, social worker, teacher, or community human services
29 provider.

30 (2) A conference pursuant to subsection (1) of this section is
31 not required in the event of excused absences for which prior notice
32 has been given to the school or a ~~((doctor's))~~ note from a medical
33 professional has been provided and, if needed, an academic plan is
34 put in place so that the ~~((child))~~ student does not fall behind.

35 **Sec. 103.** RCW 28A.225.020 and 2017 c 291 s 2 are each amended to
36 read as follows:

37 (1) If a ~~((child))~~ student required to attend school under RCW
38 28A.225.010 fails to attend school without valid justification, the

1 public school in which the ((child)) student is enrolled shall
2 implement the following interventions and supports:

3 (a) Inform the ((child's)) student's parent or guardian by a
4 notice in writing or by telephone (~~whenever the child has failed to~~
5 ~~attend school after one unexcused absence within any month during the~~
6 ~~current school year. School officials shall inform the parent of the~~
7 ~~potential consequences of additional unexcused absences. If the~~
8 ~~parent is not fluent in English, the school must make reasonable~~
9 ~~efforts to provide this information in a language in which the parent~~
10 ~~is fluent~~)) each day the student is absent without communication from
11 the parent or guardian regarding the absence. If the parent or
12 guardian is not fluent in English, or is an individual who is deaf or
13 hard of hearing, or blind or low vision, the school must provide this
14 information in a language the parent or guardian understands, or
15 other mode of communication used by the parent or guardian, including
16 providing language assistance as required under Title VI of the civil
17 rights act of 1964 or Title II of the Americans with disabilities
18 act;

19 (b) Schedule or attempt to schedule a conference or conferences
20 with the parent or guardian and ((child)) student at a time
21 reasonably convenient for all persons included for the purpose of
22 (~~analyzing the causes of the child's absences after three unexcused~~
23 ~~absences within any month during the current school year. If a~~
24 ~~regularly scheduled parent-teacher conference day is to take place~~
25 ~~within thirty days of the third unexcused absence, then the school~~
26 ~~district may schedule this conference on that day.)) understanding
27 causes for the student's absences and determining data-based
28 practices for removing barriers to attendance:~~

29 (i) The school shall develop a data-informed and evidence-based
30 plan in collaboration with the student and the parent or guardian
31 that establishes the commitments of the student, parent or guardian,
32 and school to reduce barriers and support better attendance.

33 (ii) For conferences with students who have an individualized
34 education program or a plan developed under section 504 of the
35 rehabilitation act of 1973, a school district member of the team
36 responsible for developing the program or plan must attend. The
37 purpose of having an individualized education program or 504 team
38 member present is to ensure the data-informed steps and evidence-
39 based plan are in alignment with the individualized education program
40 or 504 plan, to include consultation with a behavior specialist or

1 mental health specialist if feasible and where appropriate, and to
2 consider if the absences are directly related to the student's
3 disability.

4 (iii) If the ((child's)) student's parent or guardian does not
5 attend the scheduled conference, the conference may be conducted with
6 the student and school official. However the parent or guardian shall
7 be notified of the steps to be taken to eliminate or reduce the
8 ((child's)) student's absence; and

9 (c) ((At some point after the second and before the fifth
10 unexcused absence, take)) Take data-informed steps to eliminate or
11 reduce the ((child's)) student's absences.

12 (i) In middle school and high school, these steps must include
13 ((application of));

14 (A) Administering or attempting to administer the Washington
15 assessment of the risks and needs of students (WARNS) or other
16 assessment by a school district's designee under RCW 28A.225.026;

17 (B) Where appropriate, providing an available best practice or
18 research-based intervention, or both, consistent with the Washington
19 assessment of the risks and needs of students or other assessment, if
20 an assessment was applied; and

21 (C) Assisting the parent or guardian or student to obtain
22 supplementary services that might eliminate or ameliorate the cause
23 or causes for the absence from school.

24 (ii) ((For any child with an existing individualized education
25 plan or 504 plan, these steps must include the convening of the
26 child's individualized education plan or 504 plan team, including a
27 behavior specialist or mental health specialist where appropriate, to
28 consider the reasons for the absences. If necessary, and if consent
29 from the parent is given, a functional behavior assessment to explore
30 the function of the absence behavior shall be conducted and a
31 detailed behavior plan completed. Time should be allowed for the
32 behavior plan to be initiated and data tracked to determine progress.

33 ((iii)) With respect to any ((child)) student, without an
34 existing individualized education ((plan)) program or 504 plan ((
35 reasonably believed to have a mental or physical disability or
36 impairment)) and that the district has reason to suspect may have a
37 disability and may be in need of services, these steps must include
38 ((informing the child's parent of the right to obtain an appropriate
39 evaluation at no cost to the parent to determine whether the child
40 has a disability or impairment and needs accommodations, related

1 ~~services, or special education services. This includes children with~~
2 ~~suspected emotional or behavioral disabilities as defined in WAC~~
3 ~~392-172A-01035)) a referral to the district's existing child find~~
4 ~~procedures for determining a need for special education services or a~~
5 ~~504 plan. Parents or guardians must be notified of such referrals in~~
6 ~~accordance with the district's child find procedures. If the~~
7 ~~((school)) district determines that an evaluation for special~~
8 ~~education services or a 504 plan is necessary, and obtains the proper~~
9 ~~consent to conduct an evaluation, time should be allowed for the~~
10 ~~evaluation to be completed((, and if)). If the ((child)) student is~~
11 ~~found to be eligible for special education services, accommodations,~~
12 ~~or ((related services, a plan developed)) a 504 plan, time must be~~
13 ~~allowed for an individualized education program or 504 plan to be~~
14 ~~implemented to address the ((child's)) student's needs.~~

15 ~~((iv) These steps must include, where appropriate, providing an~~
16 ~~available approved best practice or research-based intervention, or~~
17 ~~both, consistent with the WARNS profile or other assessment, if an~~
18 ~~assessment was applied, adjusting the child's school program or~~
19 ~~school or course assignment, providing more individualized or~~
20 ~~remedial instruction, providing appropriate vocational courses or~~
21 ~~work experience, referring the child to a community truancy board,~~
22 ~~requiring the child to attend an alternative school or program, or~~
23 ~~assisting the parent or child to obtain supplementary services that~~
24 ~~might eliminate or ameliorate the cause or causes for the absence~~
25 ~~from school.))~~

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

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

31 (ii) Has failed to meet the school district's policy for excused
32 absences; or

33 (b) Has failed to comply with alternative learning experience
34 program attendance requirements as described by the superintendent of
35 public instruction.

36 (3) If a ((child)) student transfers from one school district to
37 another during the school year, the ~~((receiving school or school~~
38 ~~district shall include the unexcused absences accumulated at the~~
39 ~~previous school or from the previous school district for purposes of~~
40 ~~this section, RCW 28A.225.030, and 28A.225.015. The)) sending school~~

1 district shall provide this information to the receiving school,
2 together with a copy of any previous assessment as required under
3 subsection (1)(c) of this section, history of any best practices or
4 researched-based intervention previously provided to the ((child))
5 student by the ((child's)) student's sending school district, and a
6 copy of the most recent truancy information including any online or
7 written acknowledgment by the parent and ((child)) student, as
8 provided for in RCW 28A.225.005. All school districts must use the
9 standard choice transfer form for releasing a student to a
10 nonresident school district for the purposes of accessing an
11 alternative learning experience program.

12 **Sec. 104.** RCW 28A.225.025 and 2017 c 291 s 3 are each amended to
13 read as follows:

14 (1) For purposes of this chapter, "community ((truancy))
15 engagement board" means a board established pursuant to a memorandum
16 of understanding between a juvenile court and a school district and
17 composed of members of the local community in which the ((child))
18 student attends school. Community ((truancy)) engagement boards must
19 include members who receive training regarding the identification of
20 barriers to school attendance, the use of the Washington assessment
21 of the risks and needs of students (WARNS) or other assessment tools
22 to identify the specific needs of individual ((children)) students,
23 cultural responsive interactions, trauma-informed approaches to
24 discipline, evidence-based treatments that have been found effective
25 in supporting at-risk youth and their families, and the specific
26 services and treatment available in the particular school, court,
27 community, and elsewhere. Duties of a community ((truancy))
28 engagement board shall include, but not be limited to: Identifying
29 barriers to school attendance((τ)) both inside and outside the
30 school, including concerns with school climate, access to appropriate
31 and culturally responsive curriculum, and necessary services for
32 students with disabilities; recommending methods for improving
33 attendance such as connecting students and their families with
34 community services, culturally appropriate promising practices, and
35 evidence-based services such as functional family therapy((τ));
36 suggesting to the school district that the ((child)) student enroll
37 in another school, an alternative education program, an education
38 center, a skill center, a dropout prevention program, or another
39 public or private educational program((τ)); or recommending to the

1 juvenile court that a juvenile be offered the opportunity for
2 placement in a HOPE center or crisis residential center, if
3 appropriate.

4 (2)(a) For purposes of this chapter, "coordinated means of
5 interventions" are interventions provided in partnership with the
6 court and are aimed at identifying barriers to school attendance and
7 connecting students and their families with community services,
8 culturally appropriate promising practices, and evidence-based
9 services such as a truancy workshop, seminar, or a planning
10 conference with the court, family, school, and/or relevant community
11 organizations. The coordinated means of intervention may be less
12 structured, formal, and resource-intensive than a community
13 engagement board and are distinct from the interventions and supports
14 provided by districts.

15 (b) Districts and courts are encouraged to use a community
16 engagement board when other coordinated means of support have already
17 been attempted or exhausted.

18 (3) The legislature finds that ((utilization)) coordinated means
19 of intervention and use of community ((truancy)) engagement boards
20 ((is)) and other coordinated means of intervention are the preferred
21 means of intervention when preliminary methods to eliminate or reduce
22 unexcused absences as required by RCW 28A.225.020 have not been
23 effective in securing the ((child's)) student's attendance at school.
24 The legislature intends to encourage and support the development and
25 expansion of community ((truancy)) engagement boards. Operation of a
26 school ((truancy)) engagement board does not excuse a district from
27 the obligation of filing a petition within the requirements of RCW
28 28A.225.015(3).

29 **Sec. 105.** RCW 28A.225.026 and 2017 c 291 s 4 are each amended to
30 read as follows:

31 (1) By the beginning of the 2017-18 school year, juvenile courts
32 must establish, through a memorandum of understanding with each
33 school district within their respective counties, a coordinated and
34 collaborative approach to address truancy through the establishment
35 of a community ((truancy)) engagement board or, with respect to
36 certain small districts, through other means as provided in
37 subsection (3) of this section.

38 (2) Except as provided in subsection (3) of this section, each
39 school district must enter into a memorandum of understanding with

1 the juvenile court in the county in which it is located with respect
2 to the operation of a community (~~(truancy)~~) engagement board and
3 other coordinated means of intervention. A community (~~(truancy)~~)
4 engagement board may be operated by a juvenile court, a school
5 district, or a collaboration between both entities, so long as the
6 agreement is memorialized in a memorandum of understanding. (~~For a~~
7 ~~school district that is located in more than one county, the~~
8 ~~memorandum of understanding shall be with the juvenile court in the~~
9 ~~county that acts as the school district's treasurer.)) If a district
10 serves students from multiple counties, the district shall enter into
11 a memorandum of understanding with each jurisdiction, to ensure
12 students have access to a community engagement board and community
13 resources where the student lives.~~

14 (3) A school district with fewer than (~~three hundred~~) 300
15 students must enter into a memorandum of understanding with the
16 juvenile court in the county in which it is located with respect to:
17 (a) The operation of a community (~~(truancy)~~) engagement board; or (b)
18 addressing truancy through other coordinated means of intervention
19 (~~(aimed at identifying barriers to school attendance, and connecting~~
20 ~~students and their families with community services, culturally~~
21 ~~appropriate promising practices, and evidence-based services such as~~
22 ~~functional family therapy)). School districts with fewer than (~~three~~
23 ~~hundred~~) 300 students may work cooperatively with other school
24 districts or the school district's educational service district to
25 ensure access to a community (~~(truancy)~~) engagement board or to
26 provide other coordinated means of intervention.~~

27 (4) All school districts must designate, and identify to the
28 local juvenile court and to the office of the superintendent of
29 public instruction, a person or persons to coordinate school district
30 efforts to address (~~(excessive)~~) chronic absenteeism and truancy,
31 including tasks associated with: Outreach and conferences pursuant to
32 RCW 28A.225.018; entering into a memorandum of understanding with the
33 juvenile court; establishing protocols and procedures with the court;
34 coordinating trainings; sharing evidence-based and culturally
35 appropriate promising practices; identifying a person within every
36 school to serve as a contact with respect to (~~(excessive)~~) chronic
37 absenteeism and truancy; and assisting in the recruitment of
38 community (~~(truancy)~~) engagement board members.

39 (5) As has been demonstrated by school districts and county
40 juvenile courts around the state that have worked together and led

1 the way with community (~~(truancy)~~) engagement boards, success has
2 resulted from involving the entire community and leveraging existing
3 dollars from a variety of sources, including public and private,
4 local and state, and court, school, and community. In emulating this
5 coordinated and collaborative approach statewide pursuant to local
6 memoranda of understanding, courts and school districts are
7 encouraged to create strong community-wide partnerships and to
8 leverage existing dollars and resources.

9 **Sec. 106.** RCW 28A.225.030 and 2017 c 291 s 6 are each amended to
10 read as follows:

11 (1) If a (~~(child)~~) student under the age of (~~(seventeen)~~) 17 is
12 required to attend school under RCW 28A.225.010 and if the actions
13 taken by a school district under RCW 28A.225.020 are not successful
14 in substantially reducing an enrolled student's absences from public
15 school, (~~(not later than the seventh)~~) after the fifth unexcused
16 absence by a (~~(child)~~) student within any month during the current
17 school year (~~(or)~~) and not later than the (~~(tenth)~~) 15th unexcused
18 absence during the current school year the school district shall file
19 a petition and supporting affidavit for a civil action with the
20 juvenile court alleging a violation of RCW 28A.225.010: (a) By the
21 parent; (b) by the (~~(child)~~) student; or (c) by the parent and the
22 (~~(child)~~) student.

23 (2)(a) The petition must include a list of all interventions that
24 have been attempted as set forth in RCW 28A.225.020, include a blank
25 copy (~~(of any previous)~~) of any attendance or truancy assessment
26 completed by the (~~(child's)~~) students current school district, the
27 history of (~~(approved)~~) best (~~(practices-intervention)~~) practice or
28 research-based interventions previously provided to the (~~(child)~~)
29 student by the (~~(child's)~~) student's current school district, and a
30 copy of the most recent truancy information document provided to the
31 parent, pursuant to RCW 28A.225.005. Except as provided in this
32 subsection, no additional documents need be filed with the petition.

33 (b) School districts must ensure that absences are verified and
34 accurately recorded as excused or unexcused before filing a petition,
35 to the extent that is feasible.

36 (c) Districts must continue to attempt to reengage the student
37 and file a petition even if the enrolled student ceases to be
38 eligible to be claimed for state enrollment funding or has been
39 withdrawn from the district due to nonattendance. Districts are

1 encouraged to maintain student enrollment information locally even if
2 they are not able to claim the student for state enrollment funding
3 in order to minimize barriers for students to reengage with school.

4 (d) Nothing in this subsection requires court jurisdiction to
5 terminate when a ((child)) student turns ((seventeen)) 17 or
6 precludes a school district from filing a petition for a ((child))
7 student that is ((seventeen)) 17 years of age.

8 ~~((2) The district shall not later than the fifth unexcused~~
9 ~~absence in a month;~~

10 ~~(a) Enter into an agreement with a student and parent that~~
11 ~~establishes school attendance requirements;~~

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

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

18 ~~(3)) (e)~~ The petition may be filed by a school district employee
19 who is not an attorney.

20 ~~((4)) (3)~~ If the school district fails to file a petition under
21 this section, the parent of a ((child)) student with five or more
22 unexcused absences in any month during the current school year or
23 upon the ~~((tenth))~~ fifteenth unexcused absence during the current
24 school year may file a petition with the juvenile court alleging a
25 violation of RCW 28A.225.010.

26 ~~((5)) (4)~~ Petitions filed under this section may be served by
27 certified mail, return receipt requested. If such service is
28 unsuccessful, or the return receipt is not signed by the addressee,
29 personal service is required.

30 **Sec. 107.** RCW 28A.225.035 and 2016 c 205 s 8 are each amended to
31 read as follows:

32 (1) A petition for a civil action under RCW 28A.225.030 or
33 28A.225.015 shall consist of a written notification to the court
34 alleging that:

35 (a) The ((child)) student has unexcused absences as described in
36 RCW 28A.225.030(1) during the current school year;

37 (b) Actions taken by the school district have not been successful
38 in substantially reducing the ((child's)) student's absences from
39 school; and

1 (c) Court intervention and supervision are necessary to assist
2 the school district or parent to reduce the ~~((child's))~~ student's
3 absences from school.

4 (2) The petition shall set forth the name, date of birth, school,
5 address, gender, race, and ethnicity of the ~~((child))~~ student and the
6 names and addresses of the ~~((child's))~~ student's parents, and shall
7 set forth the languages in which the ~~((child))~~ student and parent are
8 fluent, whether there is an existing individualized education
9 program, and the ~~((child's))~~ student's current academic status in
10 school.

11 (3) The petition shall set forth facts that support the
12 allegations in this section and shall generally request relief
13 available under this chapter and provide information about what the
14 court might order under RCW 28A.225.090.

15 (4)(a) When a petition is filed under RCW 28A.225.030 or
16 28A.225.015, it shall initially be stayed by the juvenile court, and
17 the ~~((child))~~ student and the ~~((child's))~~ student's parent must be
18 referred to a community ~~((truancy))~~ engagement board or other
19 coordinated means of intervention as set forth in the memorandum of
20 understanding under RCW 28A.225.026. The community ~~((truancy))~~
21 engagement board must provide to the court a description of the
22 intervention and prevention efforts to be employed to substantially
23 reduce the ~~((child's))~~ student's unexcused absences, along with a
24 timeline for completion.

25 (b) If a community ~~((truancy))~~ engagement board or other
26 coordinated means of intervention is not in place as required by RCW
27 28A.225.026, the juvenile court shall schedule a hearing at which the
28 court shall consider the petition.

29 (5) When a referral is made to a community ~~((truancy))~~ engagement
30 board, the ~~((truancy))~~ community engagement board must meet with the
31 ~~((child))~~ student, a parent, and the school district representative
32 and enter into an agreement with the petitioner and respondent
33 regarding expectations and any actions necessary to address the
34 ~~((child's))~~ student's truancy within ~~((twenty))~~ 20 days of the
35 referral. If the petition is based on RCW 28A.225.015, the ~~((child))~~
36 student shall not be required to attend and the agreement under this
37 subsection shall be between the ~~((truancy))~~ community engagement
38 board, the school district, and the ~~((child's))~~ student's parent. The
39 court may permit the ~~((truancy))~~ community engagement board or

1 truancy prevention counselor to provide continued supervision over
2 the student, or parent if the petition is based on RCW 28A.225.015.

3 (6) If the community (~~((truancy))~~) engagement board fails to reach
4 an agreement, or the parent or student does not comply with the
5 agreement within the timeline for completion set by the community
6 (~~((truancy))~~) engagement board, the community (~~((truancy))~~) engagement
7 board shall return the case to the juvenile court. The stay of the
8 petition shall be lifted, and the juvenile court shall schedule a
9 hearing at which the court shall consider the petition.

10 (7)(a) Notwithstanding the provisions in subsection (4)(a) of
11 this section, a hearing shall not be required if other actions by the
12 court would substantially reduce the (~~((child's))~~) student's unexcused
13 absences. Such actions may include referral to an existing community
14 (~~((truancy))~~) engagement board, use of the Washington assessment of
15 risks and needs of students (WARNS) or other assessment tools to
16 identify the specific needs of individual (~~((children))~~) students, the
17 provision of community-based services, and the provision of evidence-
18 based treatments that have been found to be effective in supporting
19 at-risk youth and their families. When a juvenile court hearing is
20 held, the court shall:

21 (i) Separately notify the (~~((child))~~) student, the parent of the
22 (~~((child))~~) student, and the school district of the hearing. If the
23 parent is not fluent in English, notice should be provided in a
24 language in which the parent is fluent as indicated on the petition
25 pursuant to RCW 28A.225.030(1);

26 (ii) Notify the parent and the (~~((child))~~) student of their rights
27 to present evidence at the hearing; and

28 (iii) Notify the parent and the (~~((child))~~) student of the options
29 and rights available under chapter 13.32A RCW.

30 (b) If the (~~((child))~~) student is not provided with counsel, the
31 advisement of rights must take place in court by means of a colloquy
32 between the court, the (~~((child))~~) student if eight years old or older,
33 and the parent.

34 (8)(a) The court may require the attendance of the (~~((child))~~)
35 student if eight years old or older, the parents, and the school
36 district at any hearing on a petition filed under RCW 28A.225.030.

37 (b) The court may not issue a bench warrant for a (~~((child))~~)
38 student for failure to appear at a hearing on an initial truancy
39 petition filed under RCW 28A.225.030. If there has been proper
40 service, the court may instead enter a default order assuming

1 jurisdiction under the terms specified in subsection (12) of this
2 section.

3 (9) A school district is responsible for determining who shall
4 represent the school district at hearings on a petition filed under
5 RCW 28A.225.030 or 28A.225.015.

6 (10) The court may permit the first hearing to be held without
7 requiring that either party be represented by legal counsel, and to
8 be held without a guardian ad litem for the ((~~child~~)) student under
9 RCW 4.08.050. At the request of the school district, the court shall
10 permit a school district representative who is not an attorney to
11 represent the school district at any future hearings.

12 (11) If the ((~~child~~)) student is in a special education program
13 or has a diagnosed mental or emotional disorder, the court shall
14 inquire as to what efforts the school district has made to assist the
15 ((~~child~~)) student in attending school.

16 (12) If the allegations in the petition are established by a
17 preponderance of the evidence, the court shall grant the petition and
18 enter an order assuming jurisdiction to intervene for the period of
19 time determined by the court, after considering the facts alleged in
20 the petition and the circumstances of the juvenile, to most likely
21 cause the juvenile to return to and remain in school while the
22 juvenile is subject to this chapter. In no case may the order expire
23 before the end of the school year in which it is entered unless the
24 student turns 18 years of age.

25 (13)(a) If the court assumes jurisdiction, the school district
26 shall periodically report to the court any additional unexcused
27 absences by the ((~~child~~)) student, actions taken by the school
28 district, and an update on the ((~~child's~~)) student's academic status
29 in school at a schedule specified by the court.

30 (b) The first report under this subsection (13) must be received
31 no later than three months from the date that the court assumes
32 jurisdiction.

33 (14) Community ((~~truancy~~)) engagement boards and the courts shall
34 coordinate, to the extent possible, proceedings and actions
35 pertaining to ((~~children~~)) students who are subject to truancy
36 petitions and at-risk youth petitions in RCW 13.32A.191 or ((~~child~~))
37 student in need of services petitions in RCW 13.32A.140.

38 (15) If after a juvenile court assumes jurisdiction in one county
39 the ((~~child~~)) student relocates to another county, the juvenile court
40 in the receiving county ((~~shall~~)) may, upon the request of a school

1 district or parent, assume jurisdiction of the petition filed in the
2 previous county.

3 **Sec. 108.** RCW 28A.225.151 and 2017 c 291 s 7 are each amended to
4 read as follows:

5 (1) As required under subsection (2) of this section, the office
6 of superintendent of public instruction shall collect and school
7 districts shall submit student-level truancy data in order to allow a
8 better understanding of actions taken under RCW 28A.225.030. The
9 office shall prepare an annual report to the legislature by December
10 15th of each year.

11 (2) The reports under subsection (1) of this section shall
12 include, disaggregated by student group:

13 (a) The number of enrolled students and the number of unexcused
14 absences;

15 (b) The number of enrolled students with ~~((ten))~~ 10 or more
16 unexcused absences in a school year or five or more unexcused
17 absences in a month during a school year;

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

26 ~~((d))~~ The number of petitions filed by a school district with the
27 juvenile court and, beginning in the 2018-19 school year, whether the
28 petition results in:

29 (i) Referral to a community ~~((truancy))~~ engagement board;

30 (ii) Other coordinated means of intervention;

31 (iii) A hearing in the juvenile court; or

32 (iv) Other less restrictive disposition (e.g., change of
33 placement, home school, alternative learning experience, residential
34 treatment); and

35 ~~((e))~~ (d) Each instance of imposition of detention for failure
36 to comply with a court order under RCW 28A.225.090, with a statement
37 of the reasons for each instance of detention.

38 (3) A report required under this section shall not disclose the
39 name or other identification of a ~~((child))~~ student or parent.

1 (4) The K-12 data governance group shall develop the data
2 protocols and guidance for school districts in the collection of data
3 to provide a clearer understanding of actions taken under RCW
4 28A.225.030.

5 NEW SECTION. **Sec. 109.** A new section is added to chapter
6 28A.225 RCW to read as follows:

7 The superintendent of public instruction may adopt rules
8 necessary to carry out the purposes of this chapter, including:

- 9 (1) RCW 28A.225.015;
10 (2) RCW 28A.225.018;
11 (3) RCW 28A.225.020;
12 (4) RCW 28A.225.025; and
13 (5) RCW 28A.225.030.

14 **Part II**

15 **Sec. 201.** RCW 28A.225.027 and 2016 c 205 s 20 are each amended
16 to read as follows:

17 (1) Subject to funds appropriated for this purpose, the office of
18 the superintendent of public instruction shall allocate to community
19 (~~(truaney)~~) engagement boards grant funds that may be used to
20 supplement existing funds in order to pay for training for board
21 members or the provision of services and treatment to (~~(children)~~)
22 students and their families.

23 (2) The superintendent of public instruction must select grant
24 recipients based on the criteria in this section. This is a
25 competitive grant process. A prerequisite to applying for either or
26 both grants is a memoranda of understanding, between a school
27 district and a court, to institute a new or maintain an existing
28 community (~~(truaney)~~) engagement board that meets the requirements of
29 RCW 28A.225.025.

30 (3) Successful applicants for an award of grant funds to
31 supplement existing funds to pay for the training of community
32 (~~(truaney)~~) engagement board members must commit to the provision of
33 training to board members regarding the identification of barriers to
34 school attendance, the use of the Washington assessment of the risks
35 and needs of students (WARNS) or other assessment tools to identify
36 the specific needs of individual (~~(children)~~) students, trauma-
37 informed approaches to discipline, research about adverse childhood

1 experiences, evidence-based treatments and culturally appropriate
2 promising practices, as well as the specific academic and community
3 services and treatments available in the school, court, community,
4 and elsewhere. This training may be provided by educational service
5 districts.

6 (4) Successful applicants for an award of grant funds to
7 supplement existing funds to pay for services and treatments provided
8 to ~~((children))~~ students and their families must commit to the
9 provision of academic services such as tutoring, credit retrieval and
10 school reengagement supports, community services, and evidence-based
11 treatments that have been found to be effective in supporting at-risk
12 youth and their families, such as functional family therapy, or those
13 that have been shown to be culturally appropriate promising
14 practices.

15 **Sec. 202.** RCW 28A.225.0261 and 2016 c 205 s 17 are each amended
16 to read as follows:

17 (1) By requiring an initial stay of truancy petitions for
18 ~~((diversion))~~ referral to community ~~((truancy))~~ engagement boards,
19 the legislature intends to achieve the following outcomes:

20 (a) Increased access to community ~~((truancy))~~ engagement boards
21 and other truancy early intervention programs for parents and
22 ~~((children))~~ students throughout the state;

23 (b) Increased quantity and quality of truancy intervention and
24 prevention efforts in the community;

25 (c) A reduction in the number of truancy petitions that result in
26 further proceedings by juvenile courts, other than dismissal of the
27 petition, after the initial stay and diversion to a community
28 ~~((truancy))~~ engagement board;

29 (d) A reduction in the number of truancy petitions that result in
30 a civil contempt proceeding or detention order; and

31 (e) Increased school attendance.

32 (2) No later than January 1, 2021, the Washington state institute
33 for public policy is directed to evaluate the effectiveness of
34 chapter 205, Laws of 2016. An initial report scoping of the
35 methodology to be used to review chapter 205, Laws of 2016 shall be
36 submitted to the fiscal committees of the legislature by January 1,
37 2018. The initial report must identify any data gaps that could
38 hinder the ability of the institute to conduct its review.

1 **Sec. 203.** RCW 28A.225.005 and 2016 c 205 s 2 are each amended to
2 read as follows:

3 (1) Each school within a school district shall inform the
4 students and the parents of the students enrolled in the school
5 about: The benefits of regular school attendance; the potential
6 effects of excessive absenteeism, whether excused or unexcused, on
7 academic achievement, and graduation and dropout rates; the school's
8 expectations of the parents and guardians to ensure regular school
9 attendance by the ~~((child))~~ student; the resources available to
10 assist the ~~((child))~~ student and the parents and guardians; the role
11 and responsibilities of the school; and the consequences of truancy,
12 including the compulsory education requirements under this chapter.
13 The school shall provide access to the information before or at the
14 time of enrollment of the ~~((child))~~ student at a new school and at
15 the beginning of each school year. If the school regularly and
16 ordinarily communicates most other information to parents online,
17 providing online access to the information required by this section
18 satisfies the requirements of this section unless a parent or
19 guardian specifically requests information to be provided in written
20 form. Reasonable efforts must be made to enable parents to request
21 and receive the information in a language in which they are fluent. A
22 parent must date and acknowledge review of this information online or
23 in writing before or at the time of enrollment of the ~~((child))~~
24 student at a new school and at the beginning of each school year.

25 (2) The office of the superintendent of public instruction shall
26 develop a template that schools may use to satisfy the requirements
27 of subsection (1) of this section and shall post the information on
28 its website.

29 **Sec. 204.** RCW 28A.225.010 and 2017 3rd sp.s. c 6 s 630 are each
30 amended to read as follows:

31 (1) All parents in this state of any ~~((child))~~ student eight
32 years of age and under ~~((eighteen))~~ 18 years of age shall cause such
33 ~~((child))~~ student to attend the public school of the district in
34 which the ~~((child))~~ student resides and such ~~((child))~~ student shall
35 have the responsibility to and therefore shall attend for the full
36 time when such school may be in session unless:

37 (a) The ~~((child))~~ student is attending an approved private school
38 for the same time or is enrolled in an extension program as provided
39 in RCW 28A.195.010(4);

1 (b) The ((child)) student is receiving home-based instruction as
2 provided in subsection (4) of this section;

3 (c) The ((child)) student is attending an education center as
4 provided in chapter 28A.205 RCW;

5 (d) The school district superintendent of the district in which
6 the ((child)) student resides shall have excused such ((child))
7 student from attendance because the ((child)) student is physically
8 or mentally unable to attend school, is attending a residential
9 school operated by the department of social and health services or
10 the department of children, youth, and families, is incarcerated in
11 an adult correctional facility, or has been temporarily excused upon
12 the request of his or her parents for purposes agreed upon by the
13 school authorities and the parent: PROVIDED, That such excused
14 absences shall not be permitted if deemed to cause a serious adverse
15 effect upon the student's educational progress: PROVIDED FURTHER,
16 That students excused for such temporary absences may be claimed as
17 full-time equivalent students to the extent they would otherwise have
18 been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260
19 and shall not affect school district compliance with the provisions
20 of RCW 28A.150.220;

21 (e) The ((child)) student is excused from school subject to
22 approval by the student's parent for a reason of faith or conscience,
23 or an organized activity conducted under the auspices of a religious
24 denomination, church, or religious organization, for up to two days
25 per school year without any penalty. Such absences may not mandate
26 school closures. Students excused for such temporary absences may be
27 claimed as full-time equivalent students to the extent they would
28 otherwise have been so claimed for the purposes of RCW 28A.150.250
29 and 28A.150.260 and may not affect school district compliance with
30 the provisions of RCW 28A.150.220; or

31 (f) The ((child)) student is ((~~sixteen~~)) 16 years of age or older
32 and:

33 (i) The ((child)) student is regularly and lawfully employed and
34 either the parent agrees that the ((child)) student should not be
35 required to attend school or the ((child)) student is emancipated in
36 accordance with chapter 13.64 RCW;

37 (ii) The ((child)) student has already met graduation
38 requirements in accordance with state board of education rules and
39 regulations; or

1 (iii) The ~~((child))~~ student has received a certificate of
2 educational competence under rules and regulations established by the
3 state board of education under RCW 28A.305.190.

4 (2) A parent for the purpose of this chapter means a parent,
5 guardian, or person having legal custody of a ~~((child))~~ student.

6 (3) An approved private school for the purposes of this chapter
7 and chapter 28A.200 RCW shall be one approved under regulations
8 established by the state board of education pursuant to RCW
9 28A.305.130.

10 (4) For the purposes of this chapter and chapter 28A.200 RCW,
11 instruction shall be home-based if it consists of planned and
12 supervised instructional and related educational activities,
13 including a curriculum and instruction in the basic skills of
14 occupational education, science, mathematics, language, social
15 studies, history, health, reading, writing, spelling, and the
16 development of an appreciation of art and music, provided for a
17 number of hours equivalent to the total annual program hours per
18 grade level established for approved private schools under RCW
19 28A.195.010 and 28A.195.040 and if such activities are:

20 (a) Provided by a parent who is instructing his or her ~~((child))~~
21 student only and are supervised by a certificated person. A
22 certificated person for purposes of this chapter and chapter 28A.200
23 RCW shall be a person certified under chapter 28A.410 RCW. For
24 purposes of this section, "supervised by a certificated person"
25 means: The planning by the certificated person and the parent of
26 objectives consistent with this subsection; a minimum each month of
27 an average of one contact hour per week with the ~~((child))~~ student
28 being supervised by the certificated person; and evaluation of such
29 ~~((child's))~~ student's progress by the certificated person. The number
30 of ~~((children))~~ students supervised by the certificated person shall
31 not exceed ~~((thirty))~~ 30 for purposes of this subsection; or

32 (b) Provided by a parent who is instructing his or her ~~((child))~~
33 student only and who has either earned ~~((forty-five))~~ 45 college-
34 level quarter credit hours or its equivalent in semester hours or has
35 completed a course in home-based instruction at a postsecondary
36 institution or a vocational-technical institute; or

37 (c) Provided by a parent who is deemed sufficiently qualified to
38 provide home-based instruction by the superintendent of the local
39 school district in which the ~~((child))~~ student resides.

1 (5) The legislature recognizes that home-based instruction is
2 less structured and more experiential than the instruction normally
3 provided in a classroom setting. Therefore, the provisions of
4 subsection (4) of this section relating to the nature and quantity of
5 instructional and related educational activities shall be liberally
6 construed.

7 **Sec. 205.** RCW 28A.225.023 and 2013 c 182 s 9 are each amended to
8 read as follows:

9 A school district representative or school employee shall review
10 unexpected or excessive absences with a ((youth)) student who is
11 dependent pursuant to chapter 13.34 RCW and adults involved with that
12 ((youth)) student, to include the ((youth's)) student's caseworker,
13 educational liaison, attorney if one is appointed, parent or
14 guardians, and foster parents or the person providing placement for
15 the ((youth)) student. The purpose of the review is to determine the
16 cause of the absences, taking into account: Unplanned school
17 transitions, periods of running from care, inpatient treatment,
18 incarceration, school adjustment, educational gaps, psychosocial
19 issues, and unavoidable appointments during the school day. A school
20 district representative or a school employee must proactively support
21 the ((youth's)) student's school work so the student does not fall
22 behind and to avoid suspension or expulsion based on truancy.

23 **Sec. 206.** RCW 28A.225.031 and 1997 c 68 s 3 are each amended to
24 read as follows:

25 The authority of a court to issue an order for testing to
26 determine whether the ((child)) student has consumed or used alcohol
27 or controlled substances applies to all persons subject to a petition
28 under RCW 28A.225.030 regardless of whether the petition was filed
29 before July 27, 1997.

30 **Sec. 207.** RCW 28A.225.060 and 1995 c 312 s 73 are each amended
31 to read as follows:

32 Any school district official, sheriff, deputy sheriff, marshal,
33 police officer, or any other officer authorized to make arrests, may
34 take into custody without a warrant a ((child)) student who is
35 required under the provisions of RCW 28A.225.010 through 28A.225.140
36 to attend school and is absent from school without an approved
37 excuse, and shall deliver the ((child)) student to: (1) The custody

1 of a person in parental relation to the ((~~child~~)) student; (2) the
2 school from which the ((~~child~~)) student is absent; or (3) a program
3 designated by the school district.

4 **Sec. 208.** RCW 28A.225.080 and 1990 c 33 s 225 are each amended
5 to read as follows:

6 Except as otherwise provided in this code, no ((~~child~~)) student
7 under the age of ((~~fifteen~~)) 15 years shall be employed for any
8 purpose by any person, company or corporation, in this state during
9 the hours which the public schools of the district in which such
10 ((~~child~~)) student resides are in session, unless the said ((~~child~~))
11 student shall present a certificate from a school superintendent as
12 provided for in RCW 28A.225.010, excusing the said ((~~child~~)) student
13 from attendance in the public schools and setting forth the reason
14 for such excuse, the residence and age of the ((~~child~~)) student, and
15 the time for which such excuse is given. Every owner, superintendent,
16 or overseer of any establishment, company or corporation shall keep
17 such certificate on file so long as such ((~~child~~)) student is
18 employed by him or her. The form of said certificate shall be
19 furnished by the superintendent of public instruction. Proof that any
20 ((~~child~~)) student under ((~~fifteen~~)) 15 years of age is employed
21 during any part of the period in which public schools of the district
22 are in session, shall be deemed prima facie evidence of a violation
23 of this section.

24 **Sec. 209.** RCW 28A.225.090 and 2019 c 312 s 14 are each amended
25 to read as follows:

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

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

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

36 (c) Attend a private nonsectarian school or program including an
37 education center. Before ordering a ((~~child~~)) student to attend an
38 approved or certified private nonsectarian school or program, the

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

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

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

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

34 (a) Community restitution;

35 (b) Nonresidential programs with intensive wraparound services;

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

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

1 (3) Any parent violating any of the provisions of either RCW
2 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
3 (~~twenty-five dollars~~) \$25 for each day of unexcused absence from
4 school. The court shall remit (~~fifty~~) 50 percent of the fine
5 collected under this section to the (~~child's~~) student's school
6 district. It shall be a defense for a parent charged with violating
7 RCW 28A.225.010 to show that he or she exercised reasonable diligence
8 in attempting to cause a (~~child~~) student in his or her custody to
9 attend school or that the (~~child's~~) student's school did not
10 perform its duties as required in RCW 28A.225.020. The court may
11 order the parent to provide community restitution instead of imposing
12 a fine. Any fine imposed pursuant to this section may be suspended
13 upon the condition that a parent charged with violating RCW
14 28A.225.010 shall participate with the school and the (~~child~~)
15 student in a supervised plan for the (~~child's~~) student's attendance
16 at school or upon condition that the parent attend a conference or
17 conferences scheduled by a school for the purpose of analyzing the
18 causes of a (~~child's~~) student's absence.

19 (4) If a (~~child~~) student continues to be truant after entering
20 into a court-approved order with the truancy board under RCW
21 28A.225.035, the juvenile court shall find the (~~child~~) student in
22 contempt, and the court may impose alternatives to detention
23 consistent with best practice models for reengagement with school.

24 (5) Nothing in this section shall be construed to limit the
25 court's inherent contempt power or curtail its exercise.

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

29 **Sec. 210.** RCW 28A.225.170 and 2003 c 411 s 1 are each amended to
30 read as follows:

31 (1) Any (~~child~~) student who is of school age and otherwise
32 eligible residing within the boundaries of any military, naval,
33 lighthouse, or other United States reservation, national park, or
34 national forest or residing upon rented or leased undeeded lands
35 within any Indian reservation within the state of Washington, shall
36 be admitted to the public school, or schools, of any contiguous
37 district without payment of tuition: PROVIDED, That the United States
38 authorities in charge of such reservation or park shall cooperate
39 fully with state, county, and school district authorities in the

1 enforcement of the laws of this state relating to the compulsory
2 attendance of (~~children~~) students of school age, and all laws
3 relating to and regulating school attendance.

4 (2) Any (~~child~~) student who is of school age and otherwise
5 eligible, residing in a home that is located in Idaho but that has a
6 Washington address for the purposes of the United States postal
7 service, shall be admitted, without payment of tuition, to the
8 nearest Washington school district and shall be considered a resident
9 student for state apportionment and all other purposes.

10 **Sec. 211.** RCW 28A.225.200 and 2010 c 99 s 6 are each amended to
11 read as follows:

12 (1) A local district may be authorized by the educational service
13 district superintendent to transport and educate its (~~pupils~~)
14 students in other districts for one year, either by payment of a
15 compensation agreed upon by such school districts, or under other
16 terms mutually satisfactory to the districts concerned when this will
17 afford better educational facilities for the (~~pupils~~) students and
18 when a saving may be effected in the cost of education.
19 Notwithstanding any other provision of law, the amount to be paid by
20 the state to the resident school district for apportionment purposes
21 and otherwise payable pursuant to RCW 28A.150.250 through
22 28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through
23 28A.160.200, 28A.300.035, and 28A.300.170 shall not be greater than
24 the regular apportionment for each high school student of the
25 receiving district. Such authorization may be extended for an
26 additional year at the discretion of the educational service district
27 superintendent.

28 (2) Subsection (1) of this section shall not apply to districts
29 participating in a cooperative project established under RCW
30 28A.340.030 which exceeds two years in duration or to nonhigh school
31 districts participating in an interdistrict cooperative under RCW
32 28A.340.080 through 28A.340.090.

33 **Sec. 212.** RCW 28A.225.215 and 1989 c 118 s 1 are each amended to
34 read as follows:

35 (1) A school district shall not require proof of residency or any
36 other information regarding an address for any (~~child~~) student who
37 is eligible by reason of age for the services of the school district
38 if the (~~child~~) student does not have a legal residence.

1 (2) A school district shall enroll a (~~child~~) student without a
2 legal residence under subsection (1) of this section at the request
3 of the (~~child~~) student or parent or guardian of the (~~child~~)
4 student.

5 **Sec. 213.** RCW 28A.225.220 and 2013 2nd sp.s. c 18 s 510 are each
6 amended to read as follows:

7 (1) Any board of directors may make agreements with adults
8 choosing to attend school, and may charge the adults reasonable
9 tuition.

10 (2) A district is strongly encouraged to honor the request of a
11 parent or guardian for his or her (~~child~~) student to attend a
12 school in another district or the request of a parent or guardian for
13 his or her (~~child~~) student to transfer as a student receiving home-
14 based instruction.

15 (3) A district shall release a student to a nonresident district
16 that agrees to accept the student if:

17 (a) A financial, educational, safety, or health condition
18 affecting the student would likely be reasonably improved as a result
19 of the transfer; or

20 (b) Attendance at the school in the nonresident district is more
21 accessible to the parent's place of work or to the location of child
22 care; or

23 (c) There is a special hardship or detrimental condition; or

24 (d) The purpose of the transfer is for the student to enroll in
25 an online course or online school program offered by an online
26 provider approved under RCW 28A.250.020.

27 (4) A district may deny the request of a resident student to
28 transfer to a nonresident district if the release of the student
29 would adversely affect the district's existing desegregation plan.

30 (5) For the purpose of helping a district assess the quality of
31 its education program, a resident school district may request an
32 optional exit interview or questionnaire with the parents or
33 guardians of a (~~child~~) student transferring to another district. No
34 parent or guardian may be forced to attend such an interview or
35 complete the questionnaire.

36 (6) Beginning with the 1993-94 school year, school districts may
37 not charge transfer fees or tuition for nonresident students enrolled
38 under subsection (3) of this section and RCW 28A.225.225.
39 Reimbursement of a high school district for cost of educating high

1 school (~~(pupils)~~) students of a nonhigh school district shall not be
2 deemed a transfer fee as affecting the apportionment of current state
3 school funds.

4 **Sec. 214.** RCW 28A.225.225 and 2020 c 90 s 6 are each amended to
5 read as follows:

6 (1) Except for students who reside out-of-state and students
7 under RCW 28A.225.217, a district shall accept applications from
8 nonresident students who are the (~~(children)~~) students of full-time
9 certificated and classified school employees, and those (~~(children)~~)
10 students shall be permitted to enroll:

11 (a) At the school to which the employee is assigned;

12 (b) At a school forming the district's K through 12 continuum
13 which includes the school to which the employee is assigned; or

14 (c) At a school in the district that provides early intervention
15 services pursuant to RCW 43.216.580 or preschool services pursuant to
16 RCW 28A.155.070, if the student is eligible for such services.

17 (2) A district may reject applications under this section if:

18 (a) The student's disciplinary records indicate a history of
19 convictions for offenses or crimes, violent or disruptive behavior,
20 or gang membership;

21 (b) The student has been expelled or suspended from a public
22 school for more than (~~(ten)~~) 10 consecutive days. Any policy allowing
23 for readmission of expelled or suspended students under this
24 subsection (2)(b) must apply uniformly to both resident and
25 nonresident applicants;

26 (c) Enrollment of a (~~(child)~~) student under this section would
27 displace a (~~(child)~~) student who is a resident of the district,
28 except that if a (~~(child)~~) student is admitted under subsection (1)
29 of this section, that (~~(child)~~) student shall be permitted to remain
30 enrolled at that school, or in that district's kindergarten through
31 twelfth grade continuum, until he or she has completed his or her
32 schooling; or

33 (d) The student has repeatedly failed to comply with requirements
34 for participation in an online school program, such as participating
35 in weekly direct contact with the teacher or monthly progress
36 evaluations.

37 (3) A nonhigh district that is participating in an innovation
38 academy cooperative may not accept an application from a high school
39 student that conflicts with RCW 28A.340.080.

1 (4) Except as provided in subsection (1) of this section, all
2 districts accepting applications from nonresident students or from
3 students receiving home-based instruction for admission to the
4 district's schools shall consider equally all applications received.
5 Each school district shall adopt a policy establishing rational,
6 fair, and equitable standards for acceptance and rejection of
7 applications by June 30, 1990. The policy may include rejection of a
8 nonresident student if:

9 (a) Acceptance of a nonresident student would result in the
10 district experiencing a financial hardship;

11 (b) The student's disciplinary records indicate a history of
12 convictions for offenses or crimes, violent or disruptive behavior,
13 or gang membership;

14 (c) Accepting of the nonresident student would conflict with RCW
15 28A.340.080; or

16 (d) The student has been expelled or suspended from a public
17 school for more than (~~ten~~) 10 consecutive days. Any policy allowing
18 for readmission of expelled or suspended students under this
19 subsection (4)(d) must apply uniformly to both resident and
20 nonresident applicants.

21 For purposes of subsections (2)(a) and (4)(b) of this section,
22 "gang" means a group which: (i) Consists of three or more persons;
23 (ii) has identifiable leadership; and (iii) on an ongoing basis,
24 regularly conspires and acts in concert mainly for criminal purposes.

25 (5) The district shall provide to applicants written notification
26 of the approval or denial of the application in a timely manner. If
27 the application is rejected, the notification shall include the
28 reason or reasons for denial and the right to appeal under RCW
29 28A.225.230(3).

30 **Sec. 215.** RCW 28A.225.260 and 1969 ex.s. c 223 s 28A.58.250 are
31 each amended to read as follows:

32 If the laws of another state permit its school districts to
33 extend similar privileges to (~~(pupils)~~) students resident in this
34 state, the board of directors of any school district contiguous to a
35 school district in such other state may make agreements with the
36 officers of the school district of that state for the attendance of
37 any (~~(pupils)~~) students resident therein upon the payment of tuition.

38 If a district accepts out-of-state (~~(pupils)~~) students whose
39 resident district is contiguous to a Washington school district, such

1 district shall charge and collect the cost for educating such
2 (~~pupils~~) students and shall not include such out-of-state
3 (~~pupils~~) students in the computation of the district's share of
4 state and/or county funds.

5 The board of directors of any school district which is contiguous
6 to a school district in another state may make agreements for and pay
7 tuition for any (~~children~~) students of their district desiring to
8 attend school in the contiguous district of the other state. The
9 tuition to be paid for the attendance of resident (~~pupils~~) students
10 in an out-of-state school as provided in this section shall be no
11 greater than the cost of educating such elementary or secondary
12 (~~pupils~~) students, as the case may be, in the out-of-state
13 educating district.

14 **Sec. 216.** RCW 28A.225.270 and 2020 c 90 s 7 are each amended to
15 read as follows:

16 (1) Each school district in the state shall adopt and implement a
17 policy allowing intradistrict enrollment options no later than June
18 30, 1990. Each district shall establish its own policy establishing
19 standards on how the intradistrict enrollment options will be
20 implemented.

21 (2) A district shall permit the (~~children~~) students of full-
22 time certificated and classified school employees to enroll at:

23 (a) The school to which the employee is assigned;

24 (b) A school forming the district's K through 12 continuum which
25 includes the school to which the employee is assigned; or

26 (c) A school in the district that provides early intervention
27 services pursuant to RCW 43.216.580 or preschool services pursuant to
28 RCW 28A.155.070, if the student is eligible for such services.

29 (3) For the purposes of this section, "full-time employees" means
30 employees who are employed for the full number of hours and days for
31 their job description.

32 **Sec. 217.** RCW 28A.225.290 and 2009 c 556 s 6, 2009 c 524 s 3,
33 and 2009 c 450 s 5 are each reenacted and amended to read as follows:

34 (1) The superintendent of public instruction shall prepare and
35 annually provide access to information outlining parents' and
36 guardians' enrollment options for their (~~children~~) students.
37 Providing online access to the information satisfies the requirements

1 of this section unless a parent or guardian specifically requests
2 information to be provided in written form.

3 (2) School districts shall provide access to the information in
4 this section to the public. Providing online access to the
5 information satisfies the requirements of this subsection unless a
6 parent or guardian specifically requests the information be provided
7 in written form.

8 (3) The booklet shall include:

9 (a) Information about enrollment options and program
10 opportunities, including but not limited to programs in RCW
11 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215,
12 28A.225.230 through 28A.225.250, 28A.340.010 through 28A.340.070
13 (small high school cooperative projects), and 28A.335.160;

14 (b) Information about the running start program under RCW
15 28A.600.300 through 28A.600.400;

16 (c) Information about the seventh and eighth grade choice program
17 under RCW 28A.230.090; and

18 (d) Information about the college high school diploma options
19 under RCW 28B.50.535.

20 **Sec. 218.** RCW 28A.225.310 and 1990 1st ex.s. c 9 s 209 are each
21 amended to read as follows:

22 Any school district board of directors may make arrangements with
23 the board of directors of other districts for (~~children~~) students
24 to attend the school district of choice. Nothing under RCW
25 28A.225.220 and 28A.225.225 is intended to adversely affect
26 agreements between school districts in effect on April 11, 1990.

27 **Sec. 219.** RCW 28A.225.330 and 2020 c 167 s 8 are each amended to
28 read as follows:

29 (1) When enrolling a student who has attended school in another
30 school district, the school enrolling the student may request the
31 parent and the student to briefly indicate in writing whether or not
32 the student has:

33 (a) Any history of placement in special educational programs;

34 (b) Any past, current, or pending disciplinary action;

35 (c) Any history of violent behavior, or behavior listed in RCW
36 13.04.155;

37 (d) Any unpaid fines or fees imposed by other schools; and

1 (e) Any health conditions affecting the student's educational
2 needs.

3 (2) The school enrolling the student shall request the student's
4 permanent record including records of disciplinary action, history of
5 violent behavior or behavior listed in RCW 13.04.155, attendance,
6 immunization records, and academic performance from the school the
7 student previously attended. If the student has not paid a fine or
8 fee under RCW 28A.635.060, or tuition, fees, or fines at approved
9 private schools the school may withhold the student's official
10 transcript, but shall transmit information about the student's
11 academic performance, special placement, immunization records,
12 records of disciplinary action, and history of violent behavior or
13 behavior listed in RCW 13.04.155. If the official transcript is not
14 sent due to unpaid tuition, fees, or fines, the enrolling school
15 shall notify both the student and parent or guardian that the
16 official transcript will not be sent until the obligation is met, and
17 failure to have an official transcript may result in exclusion from
18 extracurricular activities or failure to graduate.

19 (3) Upon request, school districts shall furnish a set of
20 unofficial educational records to a parent or guardian of a student
21 who is transferring out of state and who meets the definition of a
22 child of a military family in transition under Article II of RCW
23 28A.705.010. School districts may charge the parent or guardian the
24 actual cost of providing the copies of the records.

25 (4) If information is requested under subsection (2) of this
26 section, the information shall be transmitted within two school days
27 after receiving the request and the records shall be sent as soon as
28 possible. The records of a student who meets the definition of a
29 child of a military family in transition under Article II of RCW
30 28A.705.010 shall be sent within (~~ten~~) 10 days after receiving the
31 request. Any school district or district employee who releases the
32 information in compliance with this section is immune from civil
33 liability for damages unless it is shown that the school district
34 employee acted with gross negligence or in bad faith. The
35 professional educator standards board shall provide by rule for the
36 discipline under chapter 28A.410 RCW of a school principal or other
37 chief administrator of a public school building who fails to make a
38 good faith effort to assure compliance with this subsection.

39 (5) Any school district or district employee who releases the
40 information in compliance with federal and state law is immune from

1 civil liability for damages unless it is shown that the school
2 district or district employee acted with gross negligence or in bad
3 faith.

4 (6) A school may not prevent a student who is dependent pursuant
5 to chapter 13.34 RCW from enrolling if there is incomplete
6 information as enumerated in subsection (1) of this section during
7 the ((ten)) 10 business days that the department of social and health
8 services has to obtain that information under RCW 74.13.631. In
9 addition, upon enrollment of a student who is dependent pursuant to
10 chapter 13.34 RCW, the school district must make reasonable efforts
11 to obtain and assess that ((child's)) student's educational history
12 in order to meet the ((child's)) student's unique needs within two
13 business days.

14 **Sec. 220.** RCW 28A.225.350 and 2018 c 139 s 2 are each amended to
15 read as follows:

16 (1) The protocols required by RCW 74.13.560 for making best
17 interest determinations for students in out-of-home care must comply
18 with the provisions of this section.

19 (2)(a) Best interest determinations should be made as quickly as
20 possible in order to prevent educational discontinuity for the
21 student.

22 (b) When making best interest determinations, every effort should
23 be made to gather meaningful input from relevant and appropriate
24 persons on their perspectives regarding which school the student
25 should attend during his or her time in out-of-home care, consistent
26 with the student's case plan. Relevant and appropriate persons
27 include:

28 (i) Representatives of the department of children, youth, and
29 families;

30 (ii) Representatives of the school of origin, such as a teacher,
31 counselor, coach, or other meaningful person in the student's life;

32 (iii) Biological parents;

33 (iv) Foster parents;

34 (v) Educational liaisons identified under RCW 13.34.045;

35 (vi) The student's relatives; and

36 (vii) Depending on his or her age, the student.

37 (3) In accordance with RCW 74.13.550, whenever practical and in
38 their best interest, students placed into out-of-home care must

1 remain enrolled in the school that they were attending at the time
2 they entered out-of-home care.

3 (4) Student-centered factors must be used to determine what is in
4 a student's best interest. In order to make a well-informed best
5 interest determination, a variety of student-centered factors should
6 be considered, including:

7 (a) How long is the student's current out-of-home care placement
8 expected to last?

9 (b) What is the student's permanency plan and how does it relate
10 to school stability?

11 (c) How many schools has the student attended in the current
12 year?

13 (d) How many schools has the student attended over the past few
14 years?

15 (e) Considering the impacts of past transfers, how may
16 transferring to a new school impact the student academically,
17 emotionally, physically, and socially?

18 (f) What are the immediate and long-term educational plans of,
19 and for, the student?

20 (g) How strong is the student academically?

21 (h) If the student has special needs, what impact will
22 transferring to a new school have on the student's progress and
23 services?

24 (i) To what extent are the programs and activities at the
25 potential new school comparable to, or more appropriate than, those
26 at the school of origin?

27 (j) Does one school have programs and activities that address the
28 unique needs or interests of the student that the other school does
29 not have?

30 (k) Which school does the student prefer?

31 (l) How deep are the (~~child's~~) student's ties to his or her
32 school of origin?

33 (m) Would the timing of the school transfer coincide with a
34 logical juncture, such as after testing, after an event that is
35 significant to the student, or at the end of the school year?

36 (n) How would changing schools affect the student's ability to
37 earn full academic credit, participate in sports or other
38 extracurricular activities, proceed to the next grade, or graduate on
39 time?

1 (o) How would the commute to the school under consideration
2 impact the student, in terms of distance, mode of transportation, and
3 travel time?

4 (p) How anxious is the student about having been removed from the
5 home or about any upcoming moves?

6 (q) What school does the student's sibling attend?

7 (r) Are there safety issues to consider?

8 (5) The student must remain in his or her school of origin while
9 a best interest determination is made and while disputes are resolved
10 in order to minimize disruption and reduce the number of school
11 transfers.

12 (6) School districts are encouraged to use any:

13 (a) Best interest determination guide developed by the office of
14 the superintendent of public instruction during the discussion about
15 the advantages and disadvantages of keeping the student in the school
16 of origin or transferring the student to a new school; and

17 (b) Dispute resolution process developed by the office of the
18 superintendent of public instruction when there is a disagreement
19 about school placement, the provision of educational services, or a
20 dispute between agencies.

21 (7) The special education services of a student must not be
22 interrupted by a transfer to a new school.

23 (8) For the purposes of this section, "out-of-home care" has the
24 same meaning as in RCW 13.34.030.

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