

---

**SUBSTITUTE HOUSE BILL 1113**

---

**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Education (originally sponsored by Representatives Ortiz-Self, Kloba, and Pollet; by request of Superintendent of Public Instruction)

1 AN ACT Relating to school attendance; amending RCW 28A.225.015,  
2 28A.225.030, 28A.225.151, 28A.225.020, 28A.225.025, 28A.225.026,  
3 28A.225.0261, 28A.225.027, 28A.225.035, 28A.225.090, and 28A.225.090;  
4 adding a new section to chapter 28A.225 RCW; providing an effective  
5 date; providing an expiration date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.225  
8 RCW to read as follows:

9 The superintendent of public instruction may adopt rules  
10 necessary to carry out the purposes of this chapter.

11 **Sec. 2.** RCW 28A.225.015 and 2017 c 291 s 1 are each amended to  
12 read as follows:

13 (1) If a parent enrolls a child who is six or seven years of age  
14 in a public school, the child is required to attend and that parent  
15 has the responsibility to ensure the child attends for the full time  
16 that school is in session. An exception shall be made to this  
17 requirement for children whose parents formally remove them from  
18 enrollment if the child is less than eight years old and a petition  
19 has not been filed against the parent under subsection (3) of this  
20 section. The requirement to attend school under this subsection does

1 not apply to a child enrolled in a public school part-time for the  
2 purpose of receiving ancillary services. A child required to attend  
3 school under this subsection may be temporarily excused upon the  
4 request of his or her parent for purposes agreed upon by the school  
5 district and parent.

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

10 (a) Inform the child's custodial parent, parents, or guardian by  
11 a notice in writing or by telephone whenever the child has failed to  
12 attend school after one unexcused absence within any month during the  
13 current school year;

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

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

29 (3) If a child is required to attend public school under  
30 subsection (1) of this section (~~(has seven unexcused absences in a~~  
31 ~~month or ten)~~), after the child's fifth unexcused absence during the  
32 current school year and not later than the 15th unexcused absence (~~(is~~  
33 ~~in a)~~) during the current school year, the school district shall file  
34 a petition for civil action as provided in RCW 28A.225.035 against  
35 the parent of the child.

36 (4) This section does not require a six or seven year old child  
37 to enroll in a public or private school or to receive home-based  
38 instruction. This section only applies to six or seven year old  
39 children whose parents enroll them full time in public school and do

1 not formally remove them from enrollment as provided in subsection  
2 (1) of this section.

3 **Sec. 3.** RCW 28A.225.030 and 2017 c 291 s 6 are each amended to  
4 read as follows:

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

28 (2) The district shall not later than the fifth unexcused absence  
29 in a month:

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

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

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

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

1 (4) If the school district fails to file a petition under this  
2 section, the parent of a child with five or more unexcused absences  
3 in any month during the current school year or upon the (~~tenth~~)  
4 15th unexcused absence during the current school year may file a  
5 petition with the juvenile court alleging a violation of RCW  
6 28A.225.010.

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

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

13 (1) As required under subsection (2) of this section, the office  
14 of superintendent of public instruction shall collect and school  
15 districts shall submit student-level truancy data in order to allow a  
16 better understanding of actions taken under RCW 28A.225.030. The  
17 office shall prepare an annual report to the legislature by December  
18 15th of each year.

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

21 (a) The number of enrolled students and the number of unexcused  
22 absences;

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

26 (c) A description of any programs or schools developed to serve  
27 students who have had five or more unexcused absences in a month or  
28 (~~ten~~) 15 in a year including information about the number of  
29 students in the program or school and the number of unexcused  
30 absences of students during and after participation in the program.  
31 The school district shall also describe any placements in an approved  
32 private nonsectarian school or program or certified program under a  
33 court order under RCW 28A.225.090;

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

- 37 (i) Referral to a community (~~truancy~~) engagement board;
- 38 (ii) Other coordinated means of intervention;
- 39 (iii) A hearing in the juvenile court; or

1 (iv) Other less restrictive disposition (e.g., change of  
2 placement, home school, alternative learning experience, residential  
3 treatment); and

4 (e) Each instance of imposition of detention for failure to  
5 comply with a court order under RCW 28A.225.090, with a statement of  
6 the reasons for each instance of detention.

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

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

13 **Sec. 5.** RCW 28A.225.020 and 2017 c 291 s 2 are each amended to  
14 read as follows:

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

18 (a) Inform the child's parent by a notice in writing or by  
19 telephone whenever the child has failed to attend school after one  
20 unexcused absence within any month during the current school year.  
21 School officials shall inform the parent of the potential  
22 consequences of additional unexcused absences. If the parent is not  
23 fluent in English, the school must make reasonable efforts to provide  
24 this information in a language in which the parent is fluent;

25 (b) Schedule a conference or conferences with the parent and  
26 child at a time reasonably convenient for all persons included for  
27 the purpose of analyzing the causes of the child's absences after  
28 three unexcused absences within any month during the current school  
29 year. If a regularly scheduled parent-teacher conference day is to  
30 take place within thirty days of the third unexcused absence, then  
31 the school district may schedule this conference on that day. If the  
32 child's parent does not attend the scheduled conference, the  
33 conference may be conducted with the student and school official.  
34 However the parent shall be notified of the steps to be taken to  
35 eliminate or reduce the child's absence; and

36 (c) At some point after the second and before the fifth unexcused  
37 absence, take data-informed steps to eliminate or reduce the child's  
38 absences.

1 (i) In middle school and high school, these steps must include  
2 application of the Washington assessment of the risks and needs of  
3 students (WARNS) or other assessment by a school district's designee  
4 under RCW 28A.225.026.

5 (ii) For any child with an existing individualized education plan  
6 or 504 plan, these steps must include the convening of the child's  
7 individualized education plan or 504 plan team, including a behavior  
8 specialist or mental health specialist where appropriate, to consider  
9 the reasons for the absences. If necessary, and if consent from the  
10 parent is given, a functional behavior assessment to explore the  
11 function of the absence behavior shall be conducted and a detailed  
12 behavior plan completed. Time should be allowed for the behavior plan  
13 to be initiated and data tracked to determine progress.

14 (iii) With respect to any child, without an existing  
15 individualized education plan or 504 plan, reasonably believed to  
16 have a mental or physical disability or impairment, these steps must  
17 include informing the child's parent of the right to obtain an  
18 appropriate evaluation at no cost to the parent to determine whether  
19 the child has a disability or impairment and needs accommodations,  
20 related services, or special education services. This includes  
21 children with suspected emotional or behavioral disabilities as  
22 defined in WAC 392-172A-01035. If the school obtains consent to  
23 conduct an evaluation, time should be allowed for the evaluation to  
24 be completed, and if the child is found to be eligible for special  
25 education services, accommodations, or related services, a plan  
26 developed to address the child's needs.

27 (iv) These steps must include, where appropriate, providing an  
28 available approved best practice or research-based intervention, or  
29 both, consistent with the WARNS profile or other assessment, if an  
30 assessment was applied, adjusting the child's school program or  
31 school or course assignment, providing more individualized or  
32 remedial instruction, providing appropriate vocational courses or  
33 work experience, referring the child to a community (~~(truaney)~~)  
34 engagement board, requiring the child to attend an alternative school  
35 or program, or assisting the parent or child to obtain supplementary  
36 services that might eliminate or ameliorate the cause or causes for  
37 the absence from school.

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

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

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

6 (b) Has failed to comply with alternative learning experience  
7 program attendance requirements as described by the superintendent of  
8 public instruction.

9 (3) If a child transfers from one school district to another  
10 during the school year, the receiving school or school district shall  
11 include the unexcused absences accumulated at the previous school or  
12 from the previous school district for purposes of this section, RCW  
13 28A.225.030, and 28A.225.015. The sending school district shall  
14 provide this information to the receiving school, together with a  
15 copy of any previous assessment as required under subsection (1)(c)  
16 of this section, history of any best practices or researched-based  
17 intervention previously provided to the child by the child's sending  
18 school district, and a copy of the most recent truancy information  
19 including any online or written acknowledgment by the parent and  
20 child, as provided for in RCW 28A.225.005. All school districts must  
21 use the standard choice transfer form for releasing a student to a  
22 nonresident school district for the purposes of accessing an  
23 alternative learning experience program.

24 **Sec. 6.** RCW 28A.225.025 and 2017 c 291 s 3 are each amended to  
25 read as follows:

26 (1) For purposes of this chapter, "community (~~(truancy)~~)  
27 engagement board" means a board established pursuant to a memorandum  
28 of understanding between a juvenile court and a school district and  
29 composed of members of the local community in which the child attends  
30 school. Community (~~(truancy)~~) engagement boards must include members  
31 who receive training regarding the identification of barriers to  
32 school attendance, the use of the Washington assessment of the risks  
33 and needs of students (WARNS) or other assessment tools to identify  
34 the specific needs of individual children, cultural responsive  
35 interactions, trauma-informed approaches to discipline, evidence-  
36 based treatments that have been found effective in supporting at-risk  
37 youth and their families, and the specific services and treatment  
38 available in the particular school, court, community, and elsewhere.  
39 Duties of a community (~~(truancy)~~) engagement board shall include, but

1 not be limited to: Identifying barriers to school attendance,  
2 recommending methods for improving attendance such as connecting  
3 students and their families with community services, culturally  
4 appropriate promising practices, and evidence-based services such as  
5 functional family therapy, suggesting to the school district that the  
6 child enroll in another school, an alternative education program, an  
7 education center, a skill center, a dropout prevention program, or  
8 another public or private educational program, or recommending to the  
9 juvenile court that a juvenile be offered the opportunity for  
10 placement in a HOPE center or crisis residential center, if  
11 appropriate.

12 (2) The legislature finds that utilization of community  
13 (~~(truancy)~~) engagement boards is the preferred means of intervention  
14 when preliminary methods to eliminate or reduce unexcused absences as  
15 required by RCW 28A.225.020 have not been effective in securing the  
16 child's attendance at school. The legislature intends to encourage  
17 and support the development and expansion of community (~~(truancy)~~)  
18 engagement boards. Operation of a school truancy board does not  
19 excuse a district from the obligation of filing a petition within the  
20 requirements of RCW 28A.225.015(3).

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

23 (1) By the beginning of the 2017-18 school year, juvenile courts  
24 must establish, through a memorandum of understanding with each  
25 school district within their respective counties, a coordinated and  
26 collaborative approach to address truancy through the establishment  
27 of a community (~~(truancy)~~) engagement board or, with respect to  
28 certain small districts, through other means as provided in  
29 subsection (3) of this section.

30 (2) Except as provided in subsection (3) of this section, each  
31 school district must enter into a memorandum of understanding with  
32 the juvenile court in the county in which it is located with respect  
33 to the operation of a community (~~(truancy)~~) engagement board. A  
34 community (~~(truancy)~~) engagement board may be operated by a juvenile  
35 court, a school district, or a collaboration between both entities,  
36 so long as the agreement is memorialized in a memorandum of  
37 understanding. For a school district that is located in more than one  
38 county, the memorandum of understanding shall be with the juvenile  
39 court in the county that acts as the school district's treasurer.



1 (3) A school district with fewer than three hundred students must  
2 enter into a memorandum of understanding with the juvenile court in  
3 the county in which it is located with respect to: (a) The operation  
4 of a community ((~~truancy~~)) engagement board; or (b) addressing  
5 truancy through other coordinated means of intervention aimed at  
6 identifying barriers to school attendance, and connecting students  
7 and their families with community services, culturally appropriate  
8 promising practices, and evidence-based services such as functional  
9 family therapy. School districts with fewer than three hundred  
10 students may work cooperatively with other school districts or the  
11 school district's educational service district to ensure access to a  
12 community ((~~truancy~~)) engagement board or to provide other  
13 coordinated means of intervention.

14 (4) All school districts must designate, and identify to the  
15 local juvenile court and to the office of the superintendent of  
16 public instruction, a person or persons to coordinate school district  
17 efforts to address excessive absenteeism and truancy, including tasks  
18 associated with: Outreach and conferences pursuant to RCW  
19 28A.225.018; entering into a memorandum of understanding with the  
20 juvenile court; establishing protocols and procedures with the court;  
21 coordinating trainings; sharing evidence-based and culturally  
22 appropriate promising practices; identifying a person within every  
23 school to serve as a contact with respect to excessive absenteeism  
24 and truancy; and assisting in the recruitment of community  
25 ((~~truancy~~)) engagement board members.

26 (5) As has been demonstrated by school districts and county  
27 juvenile courts around the state that have worked together and led  
28 the way with community ((~~truancy~~)) engagement boards, success has  
29 resulted from involving the entire community and leveraging existing  
30 dollars from a variety of sources, including public and private,  
31 local and state, and court, school, and community. In emulating this  
32 coordinated and collaborative approach statewide pursuant to local  
33 memoranda of understanding, courts and school districts are  
34 encouraged to create strong community-wide partnerships and to  
35 leverage existing dollars and resources.

36 **Sec. 8.** RCW 28A.225.0261 and 2016 c 205 s 17 are each amended to  
37 read as follows:

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

4 (a) Increased access to community (~~(truancy)~~) engagement boards  
5 and other truancy early intervention programs for parents and  
6 children throughout the state;

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

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

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

15 (e) Increased school attendance.

16 (2) No later than January 1, 2021, the Washington state institute  
17 for public policy is directed to evaluate the effectiveness of  
18 chapter 205, Laws of 2016. An initial report scoping of the  
19 methodology to be used to review chapter 205, Laws of 2016 shall be  
20 submitted to the fiscal committees of the legislature by January 1,  
21 2018. The initial report must identify any data gaps that could  
22 hinder the ability of the institute to conduct its review.

23 **Sec. 9.** RCW 28A.225.027 and 2016 c 205 s 20 are each amended to  
24 read as follows:

25 (1) Subject to funds appropriated for this purpose, the office of  
26 the superintendent of public instruction shall allocate to community  
27 (~~(truancy)~~) engagement boards grant funds that may be used to  
28 supplement existing funds in order to pay for training for board  
29 members or the provision of services and treatment to children and  
30 their families.

31 (2) The superintendent of public instruction must select grant  
32 recipients based on the criteria in this section. This is a  
33 competitive grant process. A prerequisite to applying for either or  
34 both grants is a memoranda of understanding, between a school  
35 district and a court, to institute a new or maintain an existing  
36 community (~~(truancy)~~) engagement board that meets the requirements of  
37 RCW 28A.225.025.

38 (3) Successful applicants for an award of grant funds to  
39 supplement existing funds to pay for the training of community

1 (~~truancy~~) engagement board members must commit to the provision of  
2 training to board members regarding the identification of barriers to  
3 school attendance, the use of the Washington assessment of the risks  
4 and needs of students (WARNS) or other assessment tools to identify  
5 the specific needs of individual children, trauma-informed approaches  
6 to discipline, research about adverse childhood experiences,  
7 evidence-based treatments and culturally appropriate promising  
8 practices, as well as the specific academic and community services  
9 and treatments available in the school, court, community, and  
10 elsewhere. This training may be provided by educational service  
11 districts.

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

21 **Sec. 10.** RCW 28A.225.035 and 2016 c 205 s 8 are each amended to  
22 read as follows:

23 (1) A petition for a civil action under RCW 28A.225.030 or  
24 28A.225.015 shall consist of a written notification to the court  
25 alleging that:

26 (a) The child has unexcused absences as described in RCW  
27 28A.225.030(1) during the current school year;

28 (b) Actions taken by the school district have not been successful  
29 in substantially reducing the child's absences from school; and

30 (c) Court intervention and supervision are necessary to assist  
31 the school district or parent to reduce the child's absences from  
32 school.

33 (2) The petition shall set forth the name, date of birth, school,  
34 address, gender, race, and ethnicity of the child and the names and  
35 addresses of the child's parents, and shall set forth the languages  
36 in which the child and parent are fluent, whether there is an  
37 existing individualized education program, and the child's current  
38 academic status in school.

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

5 (4)(a) When a petition is filed under RCW 28A.225.030 or  
6 28A.225.015, it shall initially be stayed by the juvenile court, and  
7 the child and the child's parent must be referred to a community  
8 (~~(truaney)~~) engagement board or other coordinated means of  
9 intervention as set forth in the memorandum of understanding under  
10 RCW 28A.225.026. The community (~~(truaney)~~) engagement board must  
11 provide to the court a description of the intervention and prevention  
12 efforts to be employed to substantially reduce the child's unexcused  
13 absences, along with a timeline for completion.

14 (b) If a community (~~(truaney)~~) engagement board or other  
15 coordinated means of intervention is not in place as required by RCW  
16 28A.225.026, the juvenile court shall schedule a hearing at which the  
17 court shall consider the petition.

18 (5) When a referral is made to a community (~~(truaney)~~) engagement  
19 board, the (~~(truaney)~~) community engagement board must meet with the  
20 child, a parent, and the school district representative and enter  
21 into an agreement with the petitioner and respondent regarding  
22 expectations and any actions necessary to address the child's truancy  
23 within twenty days of the referral. If the petition is based on RCW  
24 28A.225.015, the child shall not be required to attend and the  
25 agreement under this subsection shall be between the (~~(truaney)~~)  
26 community engagement board, the school district, and the child's  
27 parent. The court may permit the (~~(truaney)~~) community engagement  
28 board or truancy prevention counselor to provide continued  
29 supervision over the student, or parent if the petition is based on  
30 RCW 28A.225.015.

31 (6) If the community (~~(truaney)~~) engagement board fails to reach  
32 an agreement, or the parent or student does not comply with the  
33 agreement within the timeline for completion set by the community  
34 (~~(truaney)~~) engagement board, the community (~~(truaney)~~) engagement  
35 board shall return the case to the juvenile court. The stay of the  
36 petition shall be lifted, and the juvenile court shall schedule a  
37 hearing at which the court shall consider the petition.

38 (7)(a) Notwithstanding the provisions in subsection (4)(a) of  
39 this section, a hearing shall not be required if other actions by the  
40 court would substantially reduce the child's unexcused absences. Such

1 actions may include referral to an existing community (~~(truancy)~~)  
2 engagement board, use of the Washington assessment of risks and needs  
3 of students (WARNS) or other assessment tools to identify the  
4 specific needs of individual children, the provision of community-  
5 based services, and the provision of evidence-based treatments that  
6 have been found to be effective in supporting at-risk youth and their  
7 families. When a juvenile court hearing is held, the court shall:

8 (i) Separately notify the child, the parent of the child, and the  
9 school district of the hearing. If the parent is not fluent in  
10 English, notice should be provided in a language in which the parent  
11 is fluent as indicated on the petition pursuant to RCW  
12 28A.225.030(1);

13 (ii) Notify the parent and the child of their rights to present  
14 evidence at the hearing; and

15 (iii) Notify the parent and the child of the options and rights  
16 available under chapter 13.32A RCW.

17 (b) If the child is not provided with counsel, the advisement of  
18 rights must take place in court by means of a colloquy between the  
19 court, the child if eight years old or older, and the parent.

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

23 (b) The court may not issue a bench warrant for a child for  
24 failure to appear at a hearing on an initial truancy petition filed  
25 under RCW 28A.225.030. If there has been proper service, the court  
26 may instead enter a default order assuming jurisdiction under the  
27 terms specified in subsection (12) of this section.

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

31 (10) The court may permit the first hearing to be held without  
32 requiring that either party be represented by legal counsel, and to  
33 be held without a guardian ad litem for the child under RCW 4.08.050.  
34 At the request of the school district, the court shall permit a  
35 school district representative who is not an attorney to represent  
36 the school district at any future hearings.

37 (11) If the child is in a special education program or has a  
38 diagnosed mental or emotional disorder, the court shall inquire as to  
39 what efforts the school district has made to assist the child in  
40 attending school.

1 (12) If the allegations in the petition are established by a  
2 preponderance of the evidence, the court shall grant the petition and  
3 enter an order assuming jurisdiction to intervene for the period of  
4 time determined by the court, after considering the facts alleged in  
5 the petition and the circumstances of the juvenile, to most likely  
6 cause the juvenile to return to and remain in school while the  
7 juvenile is subject to this chapter. In no case may the order expire  
8 before the end of the school year in which it is entered.

9 (13)(a) If the court assumes jurisdiction, the school district  
10 shall periodically report to the court any additional unexcused  
11 absences by the child, actions taken by the school district, and an  
12 update on the child's academic status in school at a schedule  
13 specified by the court.

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

17 (14) Community (~~(truancy)~~) engagement boards and the courts shall  
18 coordinate, to the extent possible, proceedings and actions  
19 pertaining to children who are subject to truancy petitions and at-  
20 risk youth petitions in RCW 13.32A.191 or child in need of services  
21 petitions in RCW 13.32A.140.

22 (15) If after a juvenile court assumes jurisdiction in one county  
23 the child relocates to another county, the juvenile court in the  
24 receiving county shall, upon the request of a school district or  
25 parent, assume jurisdiction of the petition filed in the previous  
26 county.

27 **Sec. 11.** RCW 28A.225.090 and 2019 c 312 s 13 are each amended to  
28 read as follows:

29 (1) A court may order a child subject to a petition under RCW  
30 28A.225.035 to do one or more of the following:

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

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

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

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

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

34 (2)(a) If the child fails to comply with the court order, the  
35 court may impose:

36 (i) Community restitution;

37 (ii) Nonresidential programs with intensive wraparound services;

38 (iii) A requirement that the child meet with a mentor for a  
39 specified number of times; or

1 (iv) Other services and interventions that the court deems  
2 appropriate.

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

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

35 (4) If a child continues to be truant after entering into a  
36 court-approved order with the (~~truancy~~) community engagement board  
37 under RCW 28A.225.035, the juvenile court shall find the child in  
38 contempt, and the court may order the child to be subject to  
39 detention, as provided in RCW 7.21.030(2)(e), or may impose  
40 alternatives to detention such as meaningful community restitution.



1 Failure by a child to comply with an order issued under this  
2 subsection may not subject a child to detention for a period greater  
3 than that permitted under a civil contempt proceeding against a child  
4 under chapter 13.32A RCW.

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

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

10 **Sec. 12.** RCW 28A.225.090 and 2019 c 312 s 14 are each amended to  
11 read as follows:

12 (1) A court may order a child subject to a petition under RCW  
13 28A.225.035 to do one or more of the following:

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

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

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

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

1 (d) Submit to a substance abuse assessment if the court finds on  
2 the record that such assessment is appropriate to the circumstances  
3 and behavior of the child and will facilitate the child's compliance  
4 with the mandatory attendance law and, if any assessment, including a  
5 urinalysis test ordered under this subsection indicates the use of  
6 controlled substances or alcohol, order the minor to abstain from the  
7 unlawful consumption of controlled substances or alcohol and adhere  
8 to the recommendations of the substance abuse assessment at no  
9 expense to the school; or

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

16 (2) If the child fails to comply with the court order, the court  
17 may impose:

18 (a) Community restitution;

19 (b) Nonresidential programs with intensive wraparound services;

20 (c) A requirement that the child meet with a mentor for a  
21 specified number of times; or

22 (d) Other services and interventions that the court deems  
23 appropriate.

24 (3) Any parent violating any of the provisions of either RCW  
25 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than  
26 twenty-five dollars for each day of unexcused absence from school.  
27 The court shall remit fifty percent of the fine collected under this  
28 section to the child's school district. It shall be a defense for a  
29 parent charged with violating RCW 28A.225.010 to show that he or she  
30 exercised reasonable diligence in attempting to cause a child in his  
31 or her custody to attend school or that the child's school did not  
32 perform its duties as required in RCW 28A.225.020. The court may  
33 order the parent to provide community restitution instead of imposing  
34 a fine. Any fine imposed pursuant to this section may be suspended  
35 upon the condition that a parent charged with violating RCW  
36 28A.225.010 shall participate with the school and the child in a  
37 supervised plan for the child's attendance at school or upon  
38 condition that the parent attend a conference or conferences  
39 scheduled by a school for the purpose of analyzing the causes of a  
40 child's absence.

1 (4) If a child continues to be truant after entering into a  
2 court-approved order with the (~~truaney~~) community engagement board  
3 under RCW 28A.225.035, the juvenile court shall find the child in  
4 contempt, and the court may impose alternatives to detention  
5 consistent with best practice models for reengagement with school.

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

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

11 NEW SECTION. **Sec. 13.** Section 11 of this act expires July 1,  
12 2021.

13 NEW SECTION. **Sec. 14.** Section 12 of this act is necessary for  
14 the immediate preservation of the public peace, health, or safety, or  
15 support of the state government and its existing public institutions,  
16 and takes effect July 1, 2021.

17 NEW SECTION. **Sec. 15.** Except for section 12 of this act, this  
18 act is necessary for the immediate preservation of the public peace,  
19 health, or safety, or support of the state government and its  
20 existing public institutions, and takes effect immediately.

--- END ---