
SUBSTITUTE SENATE BILL 5537

State of Washington

67th Legislature

2022 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Wellman, C. Wilson, Cleveland, Dhingra, Kuderer, and Nobles)

READ FIRST TIME 01/31/22.

1 AN ACT Relating to changing compulsory school attendance
2 requirements for children six and seven years of age; amending RCW
3 28A.225.010, 28A.225.018, 28A.225.020, 28A.225.025, 28A.225.030,
4 28A.225.035, 28A.225.090, 28A.200.010, and 28A.200.020; creating a
5 new section; repealing RCW 28A.225.015; and providing an effective
6 date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that establishing a
9 minimum age for compulsory school attendance recognizes the
10 importance that education has on the future opportunities of
11 children. The legislature further finds that the state currently
12 provides an opportunity for access to education through public,
13 private, and home-based instruction options. The legislature
14 reaffirms its support for these educational options to fit the needs
15 of individual children and families. The legislature also finds that
16 a majority of states require school attendance beginning with
17 children who are five or six years of age. Washington is the only
18 state that requires school attendance beginning with children who are
19 eight years of age. Therefore, the legislature intends to amend the
20 compulsory attendance laws to ensure that every child residing in
21 Washington receives an education beginning by six years of age.

1 **Sec. 2.** RCW 28A.225.010 and 2017 3rd sp.s. c 6 s 630 are each
2 amended to read as follows:

3 (1) All parents in this state of any child (~~(eight)~~) six years of
4 age and under (~~(eighteen)~~) 18 years of age shall cause such child to
5 attend either the public school of the district in which the child
6 resides or another public school in the state and such child shall
7 have the responsibility to and therefore shall attend for the full
8 time when such school may be in session unless:

9 (a) The child is attending an approved private school for the
10 same time or is enrolled in an extension program as provided in RCW
11 28A.195.010(4);

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

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

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

31 (e) The child is excused from school subject to approval by the
32 student's parent for a reason of faith or conscience, or an organized
33 activity conducted under the auspices of a religious denomination,
34 church, or religious organization, for up to two days per school year
35 without any penalty. Such absences may not mandate school closures.
36 Students excused for such temporary absences may be claimed as full-
37 time equivalent students to the extent they would otherwise have been
38 so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and
39 may not affect school district compliance with the provisions of RCW
40 28A.150.220; or

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

2 (i) The child is regularly and lawfully employed and either the
3 parent agrees that the child should not be required to attend school
4 or the child is emancipated in accordance with chapter 13.64 RCW;

5 (ii) The child has already met graduation requirements in
6 accordance with state board of education rules and regulations; or

7 (iii) The child has received a certificate of educational
8 competence under rules and regulations established by the state board
9 of education under RCW 28A.305.190.

10 (2) (~~(A)~~) For the purposes of this chapter, parent (~~(for the~~
11 ~~purpose of this chapter)~~) means a parent, guardian, or person having
12 legal custody of a child.

13 (3) (~~(A)~~) For the purposes of this chapter and chapter 28A.200
14 RCW, approved private school (~~(for the purposes of this chapter and~~
15 ~~chapter 28A.200 RCW)~~) shall be one approved under regulations
16 established by the state board of education pursuant to RCW
17 28A.305.130.

18 (4) For the purposes of this chapter and chapter 28A.200 RCW,
19 instruction shall be home-based if it consists of planned and
20 supervised instructional and related educational activities,
21 including a curriculum and instruction in the basic skills of
22 occupational education, science, mathematics, language, social
23 studies, history, health, reading, writing, spelling, and the
24 development of an appreciation of art and music, provided for a
25 number of hours equivalent to the total annual program hours per
26 grade level established for approved private schools under RCW
27 28A.195.010 and 28A.195.040 and if such activities are:

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

39 (b) Provided by a parent who is instructing his or her child only
40 and who has either earned (~~forty-five~~) 45 college-level quarter

1 credit hours or its equivalent in semester hours or has completed a
2 course in home-based instruction at a postsecondary institution or a
3 vocational-technical institute; or

4 (c) Provided by a parent who is deemed sufficiently qualified to
5 provide home-based instruction by the superintendent of the local
6 school district in which the child resides.

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

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

15 (1) Except as provided in subsection (2) of this section, in the
16 event that a child in elementary school is required to attend school
17 under RCW 28A.225.010 (~~(or 28A.225.015(1))~~) and has five or more
18 excused absences in a single month during the current school year, or
19 (~~ten~~) 10 or more excused absences in the current school year, the
20 school district shall schedule a conference or conferences with the
21 parent and child at a time reasonably convenient for all persons
22 included for the purpose of identifying the barriers to the child's
23 regular attendance, and the supports and resources that may be made
24 available to the family so that the child is able to regularly attend
25 school. If a regularly scheduled parent-teacher conference day is to
26 take place within (~~thirty~~) 30 days of the absences, the school
27 district may schedule this conference on that day. To satisfy the
28 requirements of this section, the conference must include at least
29 one school district employee such as a nurse, counselor, social
30 worker, teacher, or community human services provider, except in
31 those instances regarding the attendance of a child who has an
32 individualized education program or a plan developed under section
33 504 of the rehabilitation act of 1973, in which case the reconvening
34 of the team that created the program or plan is required.

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

1 (3) The requirements in this section created by this act take
2 effect August 1, 2022. However, the requirements in this section
3 created by this act take effect August 1, 2023, if a local school
4 district board of directors determines that it is unable to comply
5 with the August 1, 2022, date. Local school district boards of
6 directors who make this determination and consequently delay the
7 effective date of the requirements in this section created by this
8 act for their district, must inform the office of the superintendent
9 of public instruction of their determination.

10 **Sec. 4.** RCW 28A.225.020 and 2021 c 119 s 9 are each amended to
11 read as follows:

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

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

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

33 (c) At some point after the second and before the seventh
34 unexcused absence, take data-informed steps to eliminate or reduce
35 the child's absences.

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

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

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

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

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

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

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

1 (b) Has failed to comply with alternative learning experience
2 program attendance requirements as described by the superintendent of
3 public instruction.

4 (3) If a child transfers from one school district to another
5 during the school year, the receiving school or school district shall
6 include the unexcused absences accumulated at the previous school or
7 from the previous school district for purposes of this section(~~(7)~~)
8 and RCW 28A.225.030(~~(7, and 28A.225.015)~~). The sending school district
9 shall provide this information to the receiving school, together with
10 a copy of any previous assessment as required under subsection (1)(c)
11 of this section, history of any best practices or researched-based
12 intervention previously provided to the child by the child's sending
13 school district, and a copy of the most recent truancy information
14 including any online or written acknowledgment by the parent and
15 child, as provided for in RCW 28A.225.005. All school districts must
16 use the standard choice transfer form for releasing a student to a
17 nonresident school district for the purposes of accessing an
18 alternative learning experience program.

19 (4) The requirements in this section created by this act take
20 effect August 1, 2022. However, the requirements in this section
21 created by this act take effect August 1, 2023, if a local school
22 district board of directors determines that it is unable to comply
23 with the August 1, 2022, date. Local school district boards of
24 directors who make this determination and consequently delay the
25 effective date of the requirements in this section created by this
26 act for their district, must inform the office of the superintendent
27 of public instruction of their determination.

28 **Sec. 5.** RCW 28A.225.025 and 2021 c 119 s 10 are each amended to
29 read as follows:

30 (1) For purposes of this chapter, "community engagement board"
31 means a board established pursuant to a memorandum of understanding
32 between a juvenile court and a school district and composed of
33 members of the local community in which the child attends school.
34 Community engagement boards must include members who receive training
35 regarding the identification of barriers to school attendance, the
36 use of the Washington assessment of the risks and needs of students
37 (WARNS) or other assessment tools to identify the specific needs of
38 individual children, cultural responsive interactions, trauma-
39 informed approaches to discipline, evidence-based treatments that

1 have been found effective in supporting at-risk youth and their
2 families, and the specific services and treatment available in the
3 particular school, court, community, and elsewhere. Duties of a
4 community engagement board shall include, but not be limited to:
5 Identifying barriers to school attendance, recommending methods for
6 improving attendance such as connecting students and their families
7 with community services, culturally appropriate promising practices,
8 and evidence-based services such as functional family therapy,
9 suggesting to the school district that the child enroll in another
10 school, an alternative education program, an education center, a
11 skill center, a dropout prevention program, or another public or
12 private educational program, or recommending to the juvenile court
13 that a juvenile be offered the opportunity for placement in a HOPE
14 center or crisis residential center, if appropriate.

15 (2) The legislature finds that utilization of community
16 engagement boards is the preferred means of intervention when
17 preliminary methods to eliminate or reduce unexcused absences as
18 required by RCW 28A.225.020 have not been effective in securing the
19 child's attendance at school. The legislature intends to encourage
20 and support the development and expansion of community engagement
21 boards. Operation of a (~~school truancy~~) community engagement board
22 does not excuse a district from the obligation of filing a petition
23 within the requirements of RCW (~~28A.225.015(3)~~) 28A.225.030.

24 **Sec. 6.** RCW 28A.225.030 and 2021 c 119 s 7 are each amended to
25 read as follows:

26 (1) If a child under the age of (~~seventeen~~) 18 is required to
27 attend school under RCW 28A.225.010 and if the actions taken by a
28 school district under RCW 28A.225.020 are not successful in
29 substantially reducing an enrolled student's absences from public
30 school, after the child's seventh unexcused absence within any month
31 during the current school year and not later than the 15th unexcused
32 absence during the current school year the school district shall file
33 a petition and supporting affidavit for a civil action with the
34 juvenile court (~~alleging~~). For a child who is six or seven years of
35 age, the petition must allege a violation of RCW 28A.225.010 by the
36 parent. For a child who is eight years of age and under the age of
37 17, the petition must allege a violation of RCW 28A.225.010: (a) By
38 the parent; (b) by the child; or (c) by the parent and the child. The
39 petition must include a list of all interventions that have been

1 attempted as set forth in RCW 28A.225.020, include a copy of any
2 previous truancy assessment completed by the child's current school
3 district, the history of approved best practices intervention or
4 research-based intervention previously provided to the child by the
5 child's current school district, and a copy of the most recent
6 truancy information document provided to the parent, pursuant to RCW
7 28A.225.005. Except as provided in this subsection, no additional
8 documents need be filed with the petition. Nothing in this subsection
9 requires court jurisdiction to terminate when a child turns seventeen
10 or precludes a school district from filing a petition for a child
11 that is seventeen years of age.

12 (2) The district shall not later than the seventh unexcused
13 absence in a month:

14 (a) Enter into an agreement with ((a)) the student and parent
15 that establishes school attendance requirements;

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

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

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

24 (4) If the school district fails to file a petition under this
25 section, the parent of a child with seven or more unexcused absences
26 in any month during the current school year or upon the 15th
27 unexcused absence during the current school year may file a petition
28 with the juvenile court alleging a violation of RCW 28A.225.010.

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

33 (6) The requirements in this section created by this act take
34 effect August 1, 2022. However, the requirements in this section
35 created by this act take effect August 1, 2023, if a local school
36 district board of directors determines that it is unable to comply
37 with the August 1, 2022, date. Local school district boards of
38 directors who make this determination and consequently delay the
39 effective date of the requirements in this section created by this

1 act for their district, must inform the office of the superintendent
2 of public instruction of their determination.

3 **Sec. 7.** RCW 28A.225.035 and 2021 c 119 s 14 are each amended to
4 read as follows:

5 (1) A petition for a civil action under RCW 28A.225.030 (~~(or~~
6 ~~28A.225.015))~~) shall consist of a written notification to the court
7 alleging that:

8 (a) The child has unexcused absences as described in RCW
9 28A.225.030(1) during the current school year;

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

12 (c) Court intervention and supervision are necessary to assist
13 the school district or parent to reduce the child's absences from
14 school.

15 (2) The petition shall set forth the name, date of birth, school,
16 address, gender, race, and ethnicity of the child and the names and
17 addresses of the child's parents, and shall set forth the languages
18 in which the child and parent are fluent, whether there is an
19 existing individualized education program, and the child's current
20 academic status in school.

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

25 (4)(a) When a petition is filed under RCW 28A.225.030 (~~(or~~
26 ~~28A.225.015))~~), it shall initially be stayed by the juvenile court,
27 and the child and the child's parent must be referred to a community
28 engagement board or other coordinated means of intervention as set
29 forth in the memorandum of understanding under RCW 28A.225.026. The
30 community engagement board must provide to the court a description of
31 the intervention and prevention efforts to be employed to
32 substantially reduce the child's unexcused absences, along with a
33 timeline for completion.

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

38 (5) When a referral is made to a community engagement board, the
39 community engagement board must meet with the child, a parent, and

1 the school district representative and enter into an agreement with
2 the petitioner and respondent regarding expectations and any actions
3 necessary to address the child's truancy within twenty days of the
4 referral. (~~If the petition is based on RCW 28A.225.015, the~~) A
5 child who is six or seven years of age shall not be required to
6 attend and the agreement under this subsection shall be between the
7 community engagement board, the school district, and the child's
8 parent. The court may permit the community engagement board or
9 truancy prevention counselor to provide continued supervision over
10 the student, or parent if the petition (~~is based on RCW~~
11 ~~28A.225.015~~) is for a child who is six or seven years of age.

12 (6) If the community engagement board fails to reach an
13 agreement, or the parent or student does not comply with the
14 agreement within the timeline for completion set by the community
15 engagement board, the community engagement board shall return the
16 case to the juvenile court. The stay of the petition shall be lifted,
17 and the juvenile court shall schedule a hearing at which the court
18 shall consider the petition.

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

29 (i) Separately notify the child, the parent of the child, and the
30 school district of the hearing. If the parent is not fluent in
31 English, notice should be provided in a language in which the parent
32 is fluent as indicated on the petition pursuant to RCW
33 28A.225.030(1);

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

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

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

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

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

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

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

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

22 (12) If the allegations in the petition are established by a
23 preponderance of the evidence, the court shall grant the petition and
24 enter an order assuming jurisdiction to intervene for the period of
25 time determined by the court, after considering the facts alleged in
26 the petition and the circumstances of the juvenile, to most likely
27 cause the juvenile to return to and remain in school while the
28 juvenile is subject to this chapter. In no case may the order expire
29 before the end of the school year in which it is entered.

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

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

38 (14) Community engagement boards and the courts shall coordinate,
39 to the extent possible, proceedings and actions pertaining to
40 children who are subject to truancy petitions and at-risk youth

1 petitions in RCW 13.32A.191 or child in need of services petitions in
2 RCW 13.32A.140.

3 (15) If after a juvenile court assumes jurisdiction in one county
4 the child relocates to another county, the juvenile court in the
5 receiving county shall, upon the request of a school district or
6 parent, assume jurisdiction of the petition filed in the previous
7 county.

8 (16) The requirements in this section created by this act take
9 effect August 1, 2022. However, the requirements in this section
10 created by this act take effect August 1, 2023, if a local school
11 district board of directors determines that it is unable to comply
12 with the August 1, 2022, date. Local school district boards of
13 directors who make this determination and consequently delay the
14 effective date of the requirements in this section created by this
15 act for their district, must inform the office of the superintendent
16 of public instruction of their determination.

17 **Sec. 8.** RCW 28A.225.090 and 2021 c 119 s 15 are each amended to
18 read as follows:

19 (1) A court may order a child subject to a petition under RCW
20 28A.225.035 to do one or more of the following:

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

24 (b) If there is space available and the program can provide
25 educational services appropriate for the child, order the child to
26 attend another public school, an alternative education program,
27 center, a skill center, dropout prevention program, or another public
28 educational program;

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

32 (i) Consider the public and private programs available; (ii) find
33 that placement is in the best interest of the child; and (iii) find
34 that the private school or program is willing to accept the child and
35 will not charge any fees in addition to those established by contract
36 with the student's school district. If the court orders the child to
37 enroll in a private school or program, the child's school district
38 shall contract with the school or program to provide educational
39 services for the child. The school district shall not be required to

1 contract for a weekly rate that exceeds the state general
2 apportionment dollars calculated on a weekly basis generated by the
3 child and received by the district. A school district shall not be
4 required to enter into a contract that is longer than the remainder
5 of the school year. A school district shall not be required to enter
6 into or continue a contract if the child is no longer enrolled in the
7 district;

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

17 (e) Submit to a mental health evaluation or other diagnostic
18 evaluation and adhere to the recommendations of the drug assessment,
19 at no expense to the school, if the court finds on the court records
20 that such evaluation is appropriate to the circumstances and behavior
21 of the child, and will facilitate the child's compliance with the
22 mandatory attendance law.

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

25 (a) Community restitution;

26 (b) Nonresidential programs with intensive wraparound services;

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

29 (d) Other services and interventions that the court deems
30 appropriate.

31 (3) Any parent violating any of the provisions of either RCW
32 28A.225.010 (~~(, 28A.225.015,)~~) or 28A.225.080 shall be fined not more
33 than (~~(twenty-five dollars)~~) \$25 for each day of unexcused absence
34 from school. The court shall remit (~~(fifty)~~) 50 percent of the fine
35 collected under this section to the child's school district. It shall
36 be a defense for a parent charged with violating RCW 28A.225.010 to
37 show that he or she exercised reasonable diligence in attempting to
38 cause a child in his or her custody to attend school or that the
39 child's school did not perform its duties as required in RCW
40 28A.225.020. The court may order the parent to provide community

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

8 (4) If a child continues to be truant after entering into a
9 court-approved order with the community engagement board under RCW
10 28A.225.035, the juvenile court shall find the child in contempt, and
11 the court may impose alternatives to detention consistent with best
12 practice models for reengagement with school.

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

15 (6) Subsections (1), (2), and (4) of this section shall not apply
16 to a six or seven year old child required to attend public school
17 under RCW (~~28A.225.015~~) 28A.225.010.

18 **Sec. 9.** RCW 28A.200.010 and 2019 c 252 s 109 are each amended to
19 read as follows:

20 (1) Each parent whose child is receiving home-based instruction
21 under RCW 28A.225.010(4) shall have the duty, beginning when the
22 child is six years of age, to:

23 (a) File annually a signed declaration of intent that he or she
24 is planning to cause his or her child to receive home-based
25 instruction. The statement shall include the name and age of the
26 child, shall specify whether a certificated person will be
27 supervising the instruction, and shall be written in a format
28 prescribed by the superintendent of public instruction. Each parent
29 shall file the statement by September 15th of the school year or
30 within two weeks of the beginning of any public school quarter,
31 trimester, or semester with the superintendent of the public school
32 district within which the parent resides or the district that accepts
33 the transfer, and the student shall be deemed a transfer student of
34 the nonresident district. Parents may apply for transfer under RCW
35 28A.225.220; and

36 (b) Ensure that test scores or annual academic progress
37 assessments and immunization records, together with any other records
38 that are kept relating to the instructional and educational
39 activities provided, are forwarded to any other public or private

1 school to which the child transfers. At the time of a transfer to a
2 public school, the superintendent of the local school district in
3 which the child enrolls may require a standardized achievement test
4 to be administered and shall have the authority to determine the
5 appropriate grade and course level placement of the child after
6 consultation with parents and review of the child's records (~~(; and~~
7 ~~(e) Ensure~~)).

8 (2) Each parent whose child is receiving home-based instruction
9 as defined in RCW 28A.225.010, and is eight years old or older shall
10 have the duty to ensure that a standardized achievement test approved
11 by the state board of education is administered annually to the child
12 by a qualified individual or that an annual assessment of the
13 student's academic progress is written by a certificated person who
14 is currently working in the field of education. The state board of
15 education shall not require these children to meet the student
16 learning goals, learn the state learning standards, or take the
17 assessments under RCW 28A.655.070. The standardized test administered
18 or the annual academic progress assessment written shall be made a
19 part of the child's permanent records. If, as a result of the annual
20 test or assessment, it is determined that the child is not making
21 reasonable progress consistent with his or her age or stage of
22 development, the parent shall make a good faith effort to remedy any
23 deficiency.

24 ~~((2))~~ (3) Failure of a parent to comply with the duties in this
25 section shall be deemed a failure of such parent's child to attend
26 school without valid justification under RCW 28A.225.020. Parents who
27 do comply with the duties set forth in this section shall be presumed
28 to be providing home-based instruction as set forth in RCW
29 28A.225.010(4).

30 **Sec. 10.** RCW 28A.200.020 and 1990 c 33 s 179 are each amended to
31 read as follows:

32 The state hereby recognizes that parents who are causing their
33 children to receive home-based instruction (~~(under)~~) as defined in
34 RCW 28A.225.010(4) shall be subject only to those minimum state laws
35 and regulations which are necessary to insure that a sufficient basic
36 educational opportunity is provided to the children receiving such
37 instruction. Therefore, all decisions relating to philosophy or
38 doctrine, selection of books, teaching materials and curriculum, and
39 methods, timing, and place in the provision or evaluation of home-

1 based instruction shall be the responsibility of the parent except
2 for matters specifically referred to in this chapter.

3 NEW SECTION. **Sec. 11.** RCW 28A.225.015 (Attendance mandatory—Six
4 or seven year olds—Unexcused absences—Petition) and 2021 c 119 s 4,
5 2017 c 291 s 1, & 1999 c 319 s 6 are each repealed.

6 NEW SECTION. **Sec. 12.** This act takes effect August 1, 2022.

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