
HOUSE BILL 1633

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Kelley and Maxwell

Read first time 01/27/11. Referred to Committee on Education.

1 AN ACT Relating to changing the age of compulsory school
2 attendance; and amending RCW 28A.225.010, 28A.225.015, 28A.225.035, and
3 28A.225.090.

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

5 **Sec. 1.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to
6 read as follows:

7 (1) All parents in this state of any child (~~eight~~) seven years of
8 age and under eighteen years of age shall cause such child to attend
9 the public school of the district in which the child resides and such
10 child shall have the responsibility to and therefore shall attend for
11 the full time when such school may be in session unless:

12 (a) The child is attending an approved private school for the same
13 time or is enrolled in an extension program as provided in RCW
14 28A.195.010(4);

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

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

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

15 (e) The child is sixteen years of age or older and:

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

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

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

24 (2) A parent for the purpose of this chapter means a parent,
25 guardian, or person having legal custody of a child.

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

29 (4) For the purposes of this chapter and chapter 28A.200 RCW,
30 instruction shall be home-based if it consists of planned and
31 supervised instructional and related educational activities, including
32 a curriculum and instruction in the basic skills of occupational
33 education, science, mathematics, language, social studies, history,
34 health, reading, writing, spelling, and the development of an
35 appreciation of art and music, provided for a number of hours
36 equivalent to the total annual program hours per grade level
37 established for approved private schools under RCW 28A.195.010 and
38 28A.195.040 and if such activities are:

1 (a) Provided by a parent who is instructing his or her child only
2 and are supervised by a certificated person. A certificated person for
3 purposes of this chapter and chapter 28A.200 RCW shall be a person
4 certified under chapter 28A.410 RCW. For purposes of this section,
5 "supervised by a certificated person" means: The planning by the
6 certificated person and the parent of objectives consistent with this
7 subsection; a minimum each month of an average of one contact hour per
8 week with the child being supervised by the certificated person; and
9 evaluation of such child's progress by the certificated person. The
10 number of children supervised by the certificated person shall not
11 exceed thirty for purposes of this subsection; or

12 (b) Provided by a parent who is instructing his or her child only
13 and who has either earned forty-five college level quarter credit hours
14 or its equivalent in semester hours or has completed a course in home-
15 based instruction at a postsecondary institution or a vocational-
16 technical institute; or

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

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

25 **Sec. 2.** RCW 28A.225.015 and 1999 c 319 s 6 are each amended to
26 read as follows:

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

1 school under this subsection may be temporarily excused upon the
2 request of his or her parent for purposes agreed upon by the school
3 district and parent.

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

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

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

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

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

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

1 **Sec. 3.** RCW 28A.225.035 and 2009 c 266 s 3 are each amended to
2 read as follows:

3 (1) A petition for a civil action under RCW 28A.225.030 or
4 28A.225.015 shall consist of a written notification to the court
5 alleging that:

6 (a) The child has unexcused absences during the current school
7 year;

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

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

12 (2) The petition shall set forth the name, date of birth, school,
13 address, gender, race, and ethnicity of the child and the names and
14 addresses of the child's parents, and shall set forth whether the child
15 and parent are fluent in English and whether there is an existing
16 individualized education program.

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

21 (4) When a petition is filed under RCW 28A.225.030 or 28A.225.015,
22 the juvenile court shall schedule a hearing at which the court shall
23 consider the petition, or if the court determines that a referral to an
24 available community truancy board would substantially reduce the
25 child's unexcused absences, the court may refer the case to a community
26 truancy board under the jurisdiction of the juvenile court.

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

1 (6) If the truancy board fails to reach an agreement, or the parent
2 or student does not comply with the agreement, the truancy board shall
3 return the case to the juvenile court for a hearing.

4 (7)(a) Notwithstanding the provisions in subsection (4) of this
5 section, a hearing shall not be required if other actions by the court
6 would substantially reduce the child's unexcused absences. When a
7 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, the preferred practice is for notice to be provided in a
11 language in which the parent is fluent;

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

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

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

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

22 (9) A school district is responsible for determining who shall
23 represent the school district at hearings on a petition filed under RCW
24 28A.225.030 or 28A.225.015.

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

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

35 (12) If the allegations in the petition are established by a
36 preponderance of the evidence, the court shall grant the petition and
37 enter an order assuming jurisdiction to intervene for the period of
38 time determined by the court, after considering the facts alleged in

1 the petition and the circumstances of the juvenile, to most likely
2 cause the juvenile to return to and remain in school while the juvenile
3 is subject to this chapter. In no case may the order expire before the
4 end of the school year in which it is entered.

5 (13) If the court assumes jurisdiction, the school district shall
6 regularly report to the court any additional unexcused absences by the
7 child.

8 (14) Community truancy boards and the courts shall coordinate, to
9 the extent possible, proceedings and actions pertaining to children who
10 are subject to truancy petitions and at-risk youth petitions in RCW
11 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

12 (15) If after a juvenile court assumes jurisdiction in one county
13 the child relocates to another county, the juvenile court in the
14 receiving county shall, upon the request of a school district or
15 parent, assume jurisdiction of the petition filed in the previous
16 county.

17 **Sec. 4.** RCW 28A.225.090 and 2009 c 266 s 4 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, including suspensions;

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

28 (c) Attend a private nonsectarian school or program including an
29 education center. Before ordering a child to attend an approved or
30 certified private nonsectarian school or program, the court shall: (i)
31 Consider the public and private programs available; (ii) find that
32 placement is in the best interest of the child; and (iii) find that the
33 private school or program is willing to accept the child and will not
34 charge any fees in addition to those established by contract with the
35 student's school district. If the court orders the child to enroll in
36 a private school or program, the child's school district shall contract
37 with the school or program to provide educational services for the

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

8 (d) Be referred to a community truancy board, if available; or

9 (e) Submit to testing for the use of controlled substances or
10 alcohol based on a determination that such testing is appropriate to
11 the circumstances and behavior of the child and will facilitate the
12 child's compliance with the mandatory attendance law and, if any test
13 ordered under this subsection indicates the use of controlled
14 substances or alcohol, order the minor to abstain from the unlawful
15 consumption of controlled substances or alcohol and adhere to the
16 recommendations of the drug assessment at no expense to the school.

17 (2) If the child fails to comply with the court order, the court
18 may order the child to be subject to detention, as provided in RCW
19 7.21.030(2)(e), or may impose alternatives to detention such as
20 community restitution. Failure by a child to comply with an order
21 issued under this subsection shall not be subject to detention for a
22 period greater than that permitted pursuant to a civil contempt
23 proceeding against a child under chapter 13.32A RCW. Detention ordered
24 under this subsection may be for no longer than seven days. A warrant
25 of arrest for a child under this subsection may not be served on a
26 child inside of school during school hours in a location where other
27 students are present.

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

1 condition that a parent charged with violating RCW 28A.225.010 shall
2 participate with the school and the child in a supervised plan for the
3 child's attendance at school or upon condition that the parent attend
4 a conference or conferences scheduled by a school for the purpose of
5 analyzing the causes of a child's absence.

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

15 (5) 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.

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