
SENATE BILL 5020

State of Washington

68th Legislature

2023 Regular Session

By Senator Wellman

Prefiled 12/06/22.

1 AN ACT Relating to elementary education starting at six years of
2 age; amending RCW 28A.225.010, 28A.225.018, 28A.225.020, 28A.225.025,
3 28A.225.030, 28A.225.035, 28A.225.090 and 28A.200.010; creating a new
4 section; repealing RCW 28A.225.015; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that
7 establishing a minimum age for compulsory school attendance
8 recognizes the importance that education has on the future
9 opportunities of children. The legislature further finds that the
10 state currently provides an opportunity for access to education
11 through public, private, and home-based instruction options. The
12 legislature reaffirms its support for these educational options to
13 fit the needs of individual children and families, including the
14 commitment to allow home-based instruction to be less structured and
15 more experiential than traditional classroom instruction.

16 (2) The legislature also finds that a majority of states require
17 school attendance beginning with children who are five or six years
18 of age. Washington is the only state that requires school attendance
19 beginning with children who are eight years of age. Therefore, the
20 legislature intends to amend the compulsory attendance laws to ensure

1 that every child residing in Washington begins to receive educational
2 instruction beginning by six years of age.

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

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

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

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

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

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

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

1 so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and
2 may not affect school district compliance with the provisions of RCW
3 28A.150.220; or

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

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

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

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

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

16 (3) (~~(A)~~) For the purposes of this chapter and chapter 28A.200
17 RCW, approved private school (~~for the purposes of this chapter and~~
18 ~~chapter 28A.200 RCW~~) shall be one approved under regulations
19 established by the state board of education pursuant to RCW
20 28A.305.130.

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

31 (a) Provided by a parent who is instructing his or her child only
32 and are supervised by a certificated person. A certificated person
33 for purposes of this chapter and chapter 28A.200 RCW shall be a
34 person certified under chapter 28A.410 RCW. For purposes of this
35 section, "supervised by a certificated person" means: The planning by
36 the certificated person and the parent of objectives consistent with
37 this subsection; a minimum each month of an average of one contact
38 hour per week with the child being supervised by the certificated
39 person; and evaluation of such child's progress by the certificated

1 person. The number of children supervised by the certificated person
2 shall not exceed (~~thirty~~) 30 for purposes of this subsection; or

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

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

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

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

19 (1) Except as provided in subsection (2) of this section, in the
20 event that a child in elementary school is required to attend school
21 under RCW 28A.225.010 (~~(or 28A.225.015(1))~~) and has five or more
22 excused absences in a single month during the current school year, or
23 (~~ten~~) 10 or more excused absences in the current school year, the
24 school district shall schedule a conference or conferences with the
25 parent and child at a time reasonably convenient for all persons
26 included for the purpose of identifying the barriers to the child's
27 regular attendance, and the supports and resources that may be made
28 available to the family so that the child is able to regularly attend
29 school. If a regularly scheduled parent-teacher conference day is to
30 take place within (~~thirty~~) 30 days of the absences, the school
31 district may schedule this conference on that day. To satisfy the
32 requirements of this section, the conference must include at least
33 one school district employee such as a nurse, counselor, social
34 worker, teacher, or community human services provider, except in
35 those instances regarding the attendance of a child who has an
36 individualized education program or a plan developed under section
37 504 of the rehabilitation act of 1973, in which case the reconvening
38 of the team that created the program or plan is required.

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

6 (3) The requirements in this section created by this act take
7 effect August 1, 2023. However, the requirements in this section
8 created by this act take effect August 1, 2024, if a local school
9 district board of directors determines that it is unable to comply
10 with the August 1, 2023, date. Local school district boards of
11 directors who make this determination and consequently delay the
12 effective date of the requirements in this section created by this
13 act for their district, must inform the office of the superintendent
14 of public instruction of their determination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (4) The requirements in this section created by this act take
27 effect August 1, 2023. However, the requirements in this section
28 created by this act take effect August 1, 2024, if a local school
29 district board of directors determines that it is unable to comply
30 with the August 1, 2023, date. Local school district boards of
31 directors who make this determination and consequently delay the
32 effective date of the requirements in this section created by this
33 act for their district, must inform the office of the superintendent
34 of public instruction of their determination.

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

37 (1) For purposes of this chapter, "community engagement board"
38 means a board established pursuant to a memorandum of understanding
39 between a juvenile court and a school district and composed of

1 members of the local community in which the child attends school.
2 Community engagement boards must include members who receive training
3 regarding the identification of barriers to school attendance, the
4 use of the Washington assessment of the risks and needs of students
5 (WARNS) or other assessment tools to identify the specific needs of
6 individual children, cultural responsive interactions, trauma-
7 informed approaches to discipline, evidence-based treatments that
8 have been found effective in supporting at-risk youth and their
9 families, and the specific services and treatment available in the
10 particular school, court, community, and elsewhere. Duties of a
11 community engagement board shall include, but not be limited to:
12 Identifying barriers to school attendance, recommending methods for
13 improving attendance such as connecting students and their families
14 with community services, culturally appropriate promising practices,
15 and evidence-based services such as functional family therapy,
16 suggesting to the school district that the child enroll in another
17 school, an alternative education program, an education center, a
18 skill center, a dropout prevention program, or another public or
19 private educational program, or recommending to the juvenile court
20 that a juvenile be offered the opportunity for placement in a HOPE
21 center or crisis residential center, if appropriate.

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

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

33 (1) If a child under the age of (~~(seventeen)~~) 18 is required to
34 attend school under RCW 28A.225.010 and if the actions taken by a
35 school district under RCW 28A.225.020 are not successful in
36 substantially reducing an enrolled student's absences from public
37 school, after the child's seventh unexcused absence within any month
38 during the current school year and not later than the 15th unexcused
39 absence during the current school year the school district shall file

1 a petition and supporting affidavit for a civil action with the
2 juvenile court (~~alleging~~). For a child who is six or seven years of
3 age, the petition must allege a violation of RCW 28A.225.010 by the
4 parent. For a child who is eight years of age and under the age of
5 17, the petition must allege a violation of RCW 28A.225.010: (a) By
6 the parent; (b) by the child; or (c) by the parent and the child. The
7 petition must include a list of all interventions that have been
8 attempted as set forth in RCW 28A.225.020, include a copy of any
9 previous truancy assessment completed by the child's current school
10 district, the history of approved best practices intervention or
11 research-based intervention previously provided to the child by the
12 child's current school district, and a copy of the most recent
13 truancy information document provided to the parent, pursuant to RCW
14 28A.225.005. Except as provided in this subsection, no additional
15 documents need be filed with the petition. Nothing in this subsection
16 requires court jurisdiction to terminate when a child turns seventeen
17 or precludes a school district from filing a petition for a child
18 that is seventeen years of age.

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

21 (a) Enter into an agreement with (~~(a)~~) the student and parent
22 that establishes school attendance requirements;

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

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

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

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

36 (5) Petitions filed under this section may be served by certified
37 mail, return receipt requested. If such service is unsuccessful, or
38 the return receipt is not signed by the addressee, personal service
39 is required.

1 (6) The requirements in this section created by this act take
2 effect August 1, 2023. However, the requirements in this section
3 created by this act take effect August 1, 2024, if a local school
4 district board of directors determines that it is unable to comply
5 with the August 1, 2023, 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. 7.** RCW 28A.225.035 and 2021 c 119 s 14 are each amended to
11 read as follows:

12 (1) A petition for a civil action under RCW 28A.225.030 (~~(~~
13 ~~28A.225.015))~~) shall consist of a written notification to the court
14 alleging that:

15 (a) The child has unexcused absences as described in RCW
16 28A.225.030(1) during the current school year;

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

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

22 (2) The petition shall set forth the name, date of birth, school,
23 address, gender, race, and ethnicity of the child and the names and
24 addresses of the child's parents, and shall set forth the languages
25 in which the child and parent are fluent, whether there is an
26 existing individualized education program, and the child's current
27 academic status in school.

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

32 (4)(a) When a petition is filed under RCW 28A.225.030 (~~(~~
33 ~~28A.225.015))~~), it shall initially be stayed by the juvenile court,
34 and the child and the child's parent must be referred to a community
35 engagement board or other coordinated means of intervention as set
36 forth in the memorandum of understanding under RCW 28A.225.026. The
37 community engagement board must provide to the court a description of
38 the intervention and prevention efforts to be employed to

1 substantially reduce the child's unexcused absences, along with a
2 timeline for completion.

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

7 (5) When a referral is made to a community engagement board, the
8 community engagement board must meet with the child, a parent, and
9 the school district representative and enter into an agreement with
10 the petitioner and respondent regarding expectations and any actions
11 necessary to address the child's truancy within twenty days of the
12 referral. (~~(If the petition is based on RCW 28A.225.015, the)~~) A
13 child who is six or seven years of age shall not be required to
14 attend and the agreement under this subsection shall be between the
15 community engagement board, the school district, and the child's
16 parent. The court may permit the community engagement board or
17 truancy prevention counselor to provide continued supervision over
18 the student, or parent if the petition (~~(is based on RCW~~
19 ~~28A.225.015))~~ is for a child who is six or seven years of age.

20 (6) If the community engagement board fails to reach an
21 agreement, or the parent or student does not comply with the
22 agreement within the timeline for completion set by the community
23 engagement board, the community engagement board shall return the
24 case to the juvenile court. The stay of the petition shall be lifted,
25 and the juvenile court shall schedule a hearing at which the court
26 shall consider the petition.

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

37 (i) Separately notify the child, the parent of the child, and the
38 school district of the hearing. If the parent is not fluent in
39 English, notice should be provided in a language in which the parent

1 is fluent as indicated on the petition pursuant to RCW
2 28A.225.030(1);

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

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

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

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

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

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

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

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

31 (12) If the allegations in the petition are established by a
32 preponderance of the evidence, the court shall grant the petition and
33 enter an order assuming jurisdiction to intervene for the period of
34 time determined by the court, after considering the facts alleged in
35 the petition and the circumstances of the juvenile, to most likely
36 cause the juvenile to return to and remain in school while the
37 juvenile is subject to this chapter. In no case may the order expire
38 before the end of the school year in which it is entered.

39 (13) (a) If the court assumes jurisdiction, the school district
40 shall periodically report to the court any additional unexcused

1 absences by the child, actions taken by the school district, and an
2 update on the child's academic status in school at a schedule
3 specified by the court.

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

7 (14) Community engagement boards and the courts shall coordinate,
8 to the extent possible, proceedings and actions pertaining to
9 children who are subject to truancy petitions and at-risk youth
10 petitions in RCW 13.32A.191 or child in need of services petitions in
11 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 (16) The requirements in this section created by this act take
18 effect August 1, 2023. However, the requirements in this section
19 created by this act take effect August 1, 2024, if a local school
20 district board of directors determines that it is unable to comply
21 with the August 1, 2023, date. Local school district boards of
22 directors who make this determination and consequently delay the
23 effective date of the requirements in this section created by this
24 act for their district, must inform the office of the superintendent
25 of public instruction of their determination.

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

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

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

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

38 (c) Attend a private nonsectarian school or program including an
39 education center. Before ordering a child to attend an approved or

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

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

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

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

34 (a) Community restitution;

35 (b) Nonresidential programs with intensive wraparound services;

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

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

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

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

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

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

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

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

33 (a) File annually a signed declaration of intent that he or she
34 is planning to cause his or her child to receive home-based
35 instruction. The statement shall include the name and age of the
36 child, shall specify whether a certificated person will be
37 supervising the instruction, and shall be written in a format
38 prescribed by the superintendent of public instruction. Each parent
39 shall file the statement by September 15th of the school year or

1 within two weeks of the beginning of any public school quarter,
2 trimester, or semester with the superintendent of the public school
3 district within which the parent resides or the district that accepts
4 the transfer, and the student shall be deemed a transfer student of
5 the nonresident district. Parents may apply for transfer under RCW
6 28A.225.220; and

7 (b) Ensure that test scores or annual academic progress
8 assessments and immunization records, together with any other records
9 that are kept relating to the instructional and educational
10 activities provided, are forwarded to any other public or private
11 school to which the child transfers. At the time of a transfer to a
12 public school, the superintendent of the local school district in
13 which the child enrolls may require a standardized achievement test
14 to be administered and shall have the authority to determine the
15 appropriate grade and course level placement of the child after
16 consultation with parents and review of the child's records (~~(; and~~

17 ~~(c) Ensure~~)).

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

34 ~~((2))~~ (3) Failure of a parent to comply with the duties in this
35 section shall be deemed a failure of such parent's child to attend
36 school without valid justification under RCW 28A.225.020. Parents who
37 do comply with the duties set forth in this section shall be presumed
38 to be providing home-based instruction as set forth in RCW
39 28A.225.010(4).

1 NEW SECTION. **Sec. 10.** RCW 28A.225.015 (Attendance mandatory—Six
2 or seven year olds—Unexcused absences—Petition) and 2021 c 119 s 4,
3 2017 c 291 s 1, & 1999 c 319 s 6 are each repealed.

4 NEW SECTION. **Sec. 11.** This act takes effect August 1, 2023.

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