

ESSB 6604 - H AMD TO ED COMM AMD (H-5401.1/10) **1265**

By Representative Ross

ADOPTED 3/02/2010

1 On page 6, line 9 of the striking amendment, after "~~necessary~~.)"

2 insert the following:

3

4 "**Sec. 2.** RCW 28A.225.015 and 1999 c 319 s 6 are each amended to

5 read as follows:

6 (1) If a parent enrolls a child who is six or seven years of age

7 in a public school, the child is required to attend and that parent

8 has the responsibility to ensure the child attends for the full time

9 that school is in session. An exception shall be made to this

10 requirement for children whose parents formally remove them from

11 enrollment if the child is less than eight years old and a petition

12 has not been filed against the parent under subsection (3) of this

13 section. The requirement to attend school under this subsection does

14 not apply to a child enrolled in a public school part-time for the

15 purpose of receiving ancillary services. A child required to attend

16 school under this subsection may be temporarily excused upon the

17 request of his or her parent for purposes agreed upon by the school

18 district and parent.

19 (2) If a six or seven year-old child is required to attend public

20 school under subsection (1) of this section and that child has

21 unexcused absences, the public school in which the child is enrolled

22 (~~shall~~) may:

23 (a) Inform the child's custodial parent, parents, or guardian by a

24 notice in writing, by e-mail, or by telephone whenever the child has

25 failed to attend school after one unexcused absence within any month

26 during the current school year;

27

1 (b) Request a conference or conferences to be conducted by
2 telephone or in person with the custodial parent, parents, or guardian
3 and child at a time reasonably convenient for all persons included for
4 the purpose of analyzing the causes of the child's absences after two
5 unexcused absences within any month during the current school year.
6 If a regularly scheduled parent-teacher conference day is to take
7 place within thirty days of the second unexcused absence, then the
8 school district may schedule this conference on that day; and

9 (c) Take steps to eliminate or reduce the child's absences. These
10 steps (~~shall~~) may include, where appropriate, adjusting the child's
11 school program or school or course assignment, providing more
12 individualized or remedial instruction, offering assistance in
13 enrolling the child in available alternative schools or programs, or
14 assisting the parent or child to obtain supplementary services that
15 may help eliminate or ameliorate the cause or causes for the absence
16 from school.

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

22 (4) This section does not require a six or seven year old child to
23 enroll in a public or private school or to receive home-based
24 instruction. This section only applies to six or seven year old
25 children whose parents enroll them full time in public school and do
26 not formally remove them from enrollment as provided in subsection (1)
27 of this section.

28
29 **Sec. 3.** RCW 28A.225.020 and 2009 c 266 s 1 are each amended to
30 read as follows:

31 (1) If a child required to attend school under RCW 28A.225.010
32 fails to attend school without valid justification, the public school
33 in which the child is enrolled shall take the following actions if the
34 child is enrolled in the sixth grade or above, and may take the

1 following actions if the child is enrolled in the fifth grade or
2 below:

3 (a) Inform the child's custodial parent, parents, or guardian by a
4 notice in writing, by e-mail, or by telephone whenever the child has
5 failed to attend school after one unexcused absence within any month
6 during the current school year. School officials shall inform the
7 parent of the potential consequences of additional unexcused absences.
8 If the custodial parent, parents, or guardian is not fluent in
9 English, the preferred practice is to provide this information in a
10 language in which the custodial parent, parents, or guardian is
11 fluent; and

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

20 ~~((+e))~~ (2) The school may also take steps to eliminate or reduce
21 the child's absences. These steps ~~((shall))~~ may include, where
22 appropriate, adjusting the child's school program or school or course
23 assignment, providing more individualized or remedial instruction,
24 providing appropriate vocational courses or work experience, referring
25 the child to a community truancy board, if available, requiring the
26 child to attend an alternative school or program, or assisting the
27 parent or child to obtain supplementary services that might eliminate
28 or ameliorate the cause or causes for the absence from school. If the
29 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.

33 ~~((+2))~~ (3) For purposes of this chapter, an "unexcused absence"
34 means that a child:

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

4 (b) Has failed to meet the school district's policy for excused
5 absences.

6 ~~((3))~~ (4) If a child transfers from one school district to
7 another during the school year, the receiving school or school
8 district shall include the unexcused absences accumulated at the
9 previous school or from the previous school district for purposes of
10 this section, RCW 28A.225.030, and 28A.225.015.

11
12 **Sec. 4.** RCW 28A.225.025 and 2009 c 266 s 2 are each amended to
13 read as follows:

14 (1) For purposes of this chapter, "community truancy board" means
15 a board composed of members of the local community in which the child
16 attends school. Juvenile courts may establish and operate community
17 truancy boards. If the juvenile court and the school district agree,
18 a school district may establish and operate a community truancy board
19 under the jurisdiction of the juvenile court. Juvenile courts may
20 create a community truancy board or may use other entities that exist
21 or are created, such as diversion units. However, a diversion unit or
22 other existing entity must agree before it is used as a truancy board.
23 Duties of a community truancy board shall include, but not be limited
24 to, recommending methods for improving school attendance such as
25 assisting the parent or the child to obtain supplementary services
26 that might eliminate or ameliorate the causes for the absences or
27 suggesting to the school district that the child enroll in another
28 school, an alternative education program, an education center, a skill
29 center, a dropout prevention program, or another public or private
30 educational program.

31 (2) The legislature finds that utilization of community truancy
32 boards, or other diversion units that fulfill a similar function, is
33 the preferred means of intervention when preliminary methods of notice
34 and parent conferences and taking appropriate steps to eliminate or

1 reduce unexcused absences have not been effective in securing the
2 child's attendance at school. The legislature intends to encourage
3 and support the development and expansion of community truancy boards
4 and other diversion programs which are effective in promoting school
5 attendance and preventing the need for more intrusive intervention by
6 the court. (~~Operation of a school truancy board does not excuse a~~
7 ~~district from the obligation of filing a petition within the~~
8 ~~requirements of RCW 28A.225.015(3).)~~)

9
10 **Sec. 5.** RCW 28A.225.030 and 1999 c 319 s 2 are each amended to
11 read as follows:

12 (1) If a child is required to attend school under RCW 28A.225.010
13 and (~~if the actions taken by a~~) the school district takes actions
14 under RCW 28A.225.020 that are not successful in substantially
15 reducing an enrolled student's absences from public school, not later
16 than the seventh unexcused absence by a child within any month during
17 the current school year or not later than the tenth unexcused absence
18 during the current school year, the school district (~~shall~~) may file
19 a petition and supporting affidavit for a civil action with the
20 juvenile court alleging a violation of RCW 28A.225.010: (a) By the
21 parent; (b) by the child; or (c) by the parent and the child. Except
22 as provided in this subsection, no additional documents need be filed
23 with the petition.

24 (2) The district (~~shall not later than~~) may, after the fifth
25 unexcused absence in a month:

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

28 (b) Refer a student to a community truancy board, if available, as
29 defined in RCW 28A.225.025. The community truancy board shall enter
30 into an agreement with the student and parent that establishes school
31 attendance requirements and take other appropriate actions to reduce
32 the child's absences; or

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

34

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

3 (4) If the school district (~~(fails to)~~) does not file a petition
4 under this section, the parent of a child with five or more unexcused
5 absences in any month during the current school year or upon the tenth
6 unexcused absence during the current school year may file a petition
7 with the juvenile court alleging a violation of RCW 28A.225.010.

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

12
13 **Sec. 6.** RCW 28A.225.151 and 1996 c 134 s 5 are each amended to
14 read as follows:

15 (1) As required under subsection (2) of this section, (~~each~~
16 ~~school~~) if a school takes additional actions provided in RCW
17 28A.225.030, it shall document the actions taken (~~(under RCW~~
18 ~~28A.225.030)~~) and report this information to the school district
19 superintendent who shall compile the data for all the schools in the
20 district and prepare an annual school district report for each school
21 year and submit the report to the superintendent of public
22 instruction. The reports shall be made upon forms furnished by the
23 superintendent of public instruction and shall be transmitted as
24 determined by the superintendent of public instruction.

25 (2) The reports under subsection (1) of this section shall
26 include:

27 (a) The number of enrolled students and the number of unexcused
28 absences;

29 (b) Documentation of the steps taken by the school district under
30 each subsection of RCW 28A.225.020 at the request of the
31 superintendent of public instruction. Each year, by May 1st, the
32 superintendent of public instruction shall select ten school districts
33 to submit the report at the end of the following school year. The ten
34 districts shall represent different areas of the state and be of

1 varied sizes. In addition, the superintendent of public instruction
2 shall require any district that fails to keep appropriate records to
3 submit a full report to the superintendent of public instruction under
4 this subsection. All school districts shall document steps taken
5 under RCW 28A.225.020 in each student's record, and make those records
6 available upon request consistent with the laws governing student
7 records;

8 (c) The number of enrolled students with ten or more unexcused
9 absences in a school year or five or more unexcused absences in a
10 month during a school year;

11 (d) A description of any programs or schools developed to serve
12 students who have had five or more unexcused absences in a month or
13 ten in a year including information about the number of students in
14 the program or school and the number of unexcused absences of students
15 during and after participation in the program. The school district
16 shall also describe any placements in an approved private nonsectarian
17 school or program or certified program under a court order under RCW
18 28A.225.090; and

19 (e) The number of petitions filed by a school district with the
20 juvenile court.

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

23 (4) The superintendent of public instruction shall collect these
24 reports from all school districts and prepare an annual report for
25 each school year to be submitted to the legislature no later than
26 December 15th of each year.

27
28 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act take
29 effect July 1, 2010."

30

EFFECT: Adds provisions to the bill to permit rather than
require school districts to:

- Notify and schedule a conference with parents in the case of unexcused absences if the student is in 5th grade or below, including students who are age six or seven.

- Take steps to eliminate or reduce student absences.
- Take certain actions after a student's fifth unexcused absence in a month, including referring the student to a community truancy board or filing a truancy petition.
- File a truancy petition after seven unexcused absences in a month or ten unexcused absences in a school year, including for students who are age six or seven.

Allows notice of unexcused absences to parents to be via e-mail and allows conferences to be via telephone.

--- END ---