
SENATE BILL 5651

State of Washington

64th Legislature

2015 Regular Session

By Senators Darneille, Kohl-Welles, Frockt, Jayapal, Keiser, and Hasegawa

Read first time 01/28/15. Referred to Committee on Human Services, Mental Health & Housing.

1 AN ACT Relating to eliminating detention for truant students
2 found in contempt of a court order; and amending RCW 28A.225.090 and
3 7.21.030.

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

5 **Sec. 1.** RCW 28A.225.090 and 2009 c 266 s 4 are each amended to
6 read as follows:

7 (1) A court may order a child subject to a petition under RCW
8 28A.225.035 to do one or more of the following:

9 (a) Attend the child's current school, and set forth minimum
10 attendance requirements, including suspensions;

11 (b) If there is space available and the program can provide
12 educational services appropriate for the child, order the child to
13 attend another public school, an alternative education program,
14 center, a skill center, dropout prevention program, or another public
15 educational program;

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

19 (i) Consider the public and private programs available; (ii) find
20 that placement is in the best interest of the child; and (iii) find
21 that the private school or program is willing to accept the child and

1 will not charge any fees in addition to those established by contract
2 with the student's school district. If the court orders the child to
3 enroll in a private school or program, the child's school district
4 shall contract with the school or program to provide educational
5 services for the child. The school district shall not be required to
6 contract for a weekly rate that exceeds the state general
7 apportionment dollars calculated on a weekly basis generated by the
8 child and received by the district. A school district shall not be
9 required to enter into a contract that is longer than the remainder
10 of the school year. A school district shall not be required to enter
11 into or continue a contract if the child is no longer enrolled in the
12 district;

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

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

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

34 (3) Any parent violating any of the provisions of either RCW
35 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
36 twenty-five dollars for each day of unexcused absence from school.
37 The court shall remit fifty percent of the fine collected under this
38 section to the child's school district. It shall be a defense for a
39 parent charged with violating RCW 28A.225.010 to show that he or she
40 exercised reasonable diligence in attempting to cause a child in his

1 or her custody to attend school or that the child's school did not
2 perform its duties as required in RCW 28A.225.020. The court may
3 order the parent to provide community restitution instead of imposing
4 a fine. Any fine imposed pursuant to this section may be suspended
5 upon the condition that a parent charged with violating RCW
6 28A.225.010 shall participate with the school and the child in a
7 supervised plan for the child's attendance at school or upon
8 condition that the parent attend a conference or conferences
9 scheduled by a school for the purpose of analyzing the causes of a
10 child's absence.

11 (4) If a child continues to be truant after entering into a
12 court-approved order with the truancy board under RCW 28A.225.035,
13 the juvenile court shall find the child in contempt, and the court
14 may (~~order the child to be subject to detention, as provided in RCW~~
15 ~~7.21.030(2)(c), or may~~) impose alternatives to detention (~~such as~~
16 ~~meaningful community restitution. Failure by a child to comply with~~
17 ~~an order issued under this subsection may not subject a child to~~
18 ~~detention for a period greater than that permitted under a civil~~
19 ~~contempt proceeding against a child under chapter 13.32A RCW~~)
20 consistent with best practice models for reengagement with school.

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

24 **Sec. 2.** RCW 7.21.030 and 2001 c 260 s 6 are each amended to read
25 as follows:

26 (1) The court may initiate a proceeding to impose a remedial
27 sanction on its own motion or on the motion of a person aggrieved by
28 a contempt of court in the proceeding to which the contempt is
29 related. Except as provided in RCW 7.21.050, the court, after notice
30 and hearing, may impose a remedial sanction authorized by this
31 chapter.

32 (2) If the court finds that the person has failed or refused to
33 perform an act that is yet within the person's power to perform, the
34 court may find the person in contempt of court and impose one or more
35 of the following remedial sanctions:

36 (a) Imprisonment if the contempt of court is of a type defined in
37 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so
38 long as it serves a coercive purpose.

1 (b) A forfeiture not to exceed two thousand dollars for each day
2 the contempt of court continues.

3 (c) An order designed to ensure compliance with a prior order of
4 the court.

5 (d) Any other remedial sanction other than the sanctions
6 specified in (a) through (c) of this subsection if the court
7 expressly finds that those sanctions would be ineffectual to
8 terminate a continuing contempt of court.

9 (e) In cases under chapters 13.32A(~~(7)~~) and 13.34(~~(7) and~~
10 ~~28A, 225~~) RCW, commitment to juvenile detention for a period of time
11 not to exceed seven days. This sanction may be imposed in addition
12 to, or as an alternative to, any other remedial sanction authorized
13 by this chapter. This remedy is specifically determined to be a
14 remedial sanction.

15 (3) The court may, in addition to the remedial sanctions set
16 forth in subsection (2) of this section, order a person found in
17 contempt of court to pay a party for any losses suffered by the party
18 as a result of the contempt and any costs incurred in connection with
19 the contempt proceeding, including reasonable attorney's fees.

20 (4) If the court finds that a person under the age of eighteen
21 years has willfully disobeyed the terms of an order issued under
22 chapter 10.14 RCW, the court may find the person in contempt of court
23 and may, as a sole sanction for such contempt, commit the person to
24 juvenile detention for a period of time not to exceed seven days.

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