

RCW 28A.225.090 Court orders—Penalties—Parents' defense. (1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

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

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

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

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

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

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

(a) Community restitution;

(b) Nonresidential programs with intensive wraparound services;

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

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

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a

parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

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

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

(6) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015. [2021 c 119 s 15; 2019 c 312 s 14; 2019 c 312 s 13; 2017 c 291 s 5; 2016 c 205 s 9; 2009 c 266 s 4; 2008 c 171 s 1; 2002 c 175 s 29. Prior: 2000 c 162 s 15; 2000 c 162 s 6; 2000 c 61 s 1; 1999 c 319 s 4; 1998 c 296 s 39; 1997 c 68 s 2; prior: 1996 c 134 s 6; 1996 c 133 s 32; 1995 c 312 s 74; 1992 c 205 s 204; 1990 c 33 s 226; 1987 c 202 s 189; 1986 c 132 s 5; 1979 ex.s. c 201 s 6; 1969 ex.s. c 223 s 28A.27.100; prior: 1909 c 97 p 365 s 3; RRS s 5074; prior: 1907 c 231 s 3; 1905 c 162 s 3. Formerly RCW 28A.27.100, 28.27.100.]

Effective date—2021 c 119 ss 7-15: See note following RCW 28A.225.030.

Findings—Intent—2021 c 119: See note following RCW 28A.225.007.

Effective date—2019 c 312 ss 5 and 14: See note following RCW 7.21.030.

Effective date—Findings—Intent—2019 c 312: See notes following RCW 7.21.080.

Effective date—2002 c 175: See note following RCW 7.80.130.

Effective date—2000 c 162 ss 11-17: See note following RCW 43.185C.265.

Findings—Intent—Part headings not law—Short title—1998 c 296: See notes following RCW 74.13.025.

Findings—Short title—Intent—Construction—1996 c 133: See notes following RCW 13.32A.197.

Short title—1995 c 312: See note following RCW 13.32A.010.

Part headings not law—Severability—1992 c 205: See notes following RCW 13.40.010.

Intent—1987 c 202: See note following RCW 2.04.190.