
Explanatory Notes and a Brief Outline of the Washington State Laws for Homeschooling



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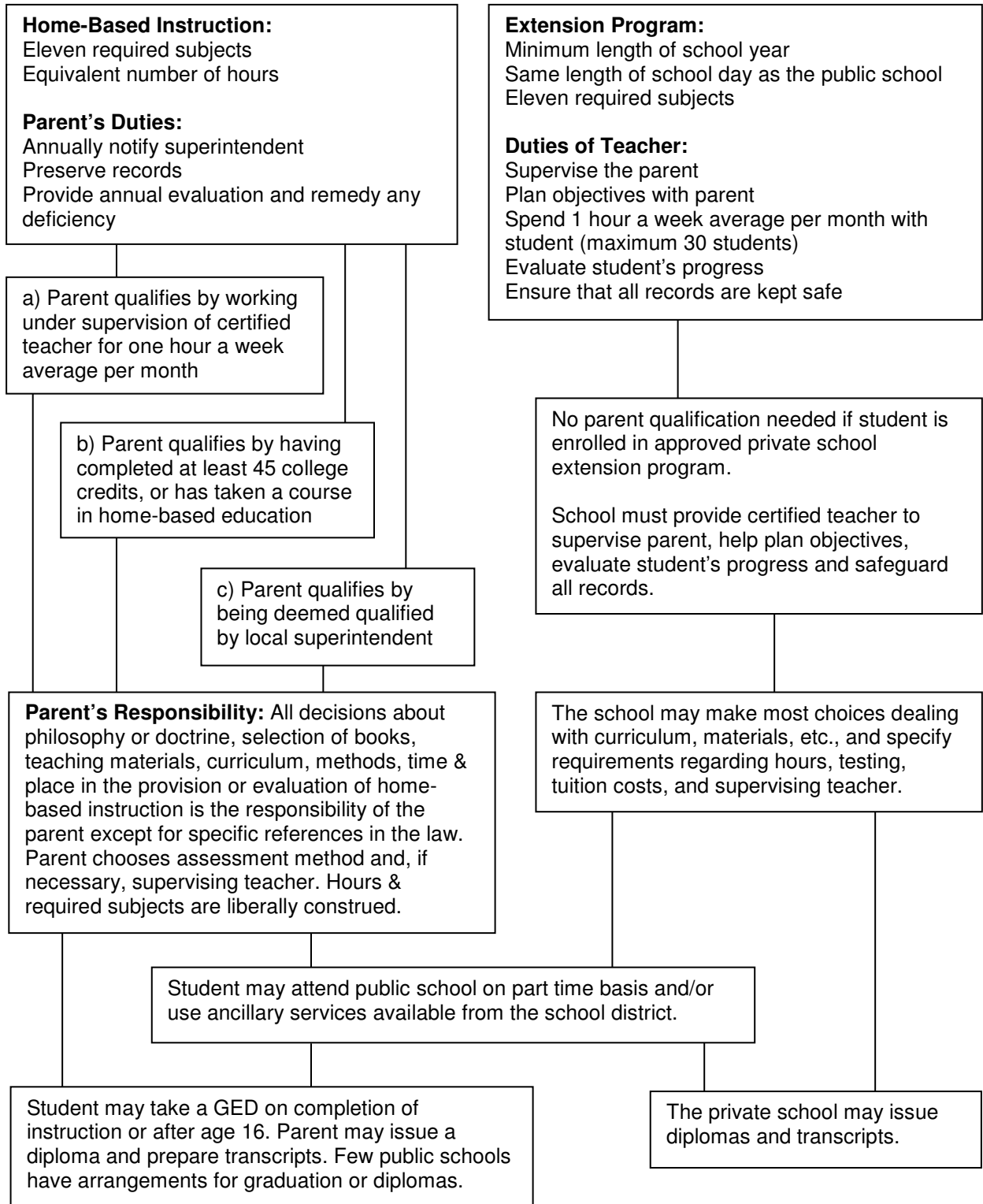
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Homeschooling in Washington State LEGAL REQUIREMENTS



EXPLANATORY NOTES ON THE LAW

Legal requirements for Home-Based Instruction

- 1) **Eleven Required Subjects:** The basic skills are listed as occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music. (See #10 & #11)
- 2) **Equivalent Number of Hours:** The total annual program hours required for private schools are at least a total of 450 hours for Kindergarten and an annual average total of 1000 hours for grades 1 through 12, but the law recommends about 1080 for grades 9-12. However, the bill says “provided for a number of hours *equivalent* to the total annual program hours established for approved private schools.” RCW 28A.225.010(4) If you covered the same in one hour that the school covers in six hours, then one hour would be *equivalent* to six “annual program hours,” especially if the child’s annual test scores (See #10 & #11) reflected a grade or more of advancement.
- 3) **Annually Notify Superintendent:** This has to be done by September 15 of the school year or within two weeks of the beginning of any quarter or semester. It must be a signed “*Declaration of Intent*,” must state the child’s name and age and specify whether a certified teacher is supervising the instruction. The statement must be in the format prescribed by SPI and no other questions need be answered than those required by law, as just stated.
- 4) **Preserve Records:** The parent is not required to keep any records, such as attendance, grades, etc. but annual test scores or progress assessments, immunization records, “together with any other records that are kept” relating to educational activities, are required to be preserved as part of the child’s permanent record. This must be made available to any school to which the child might later transfer.
- 5) **Provide Annual Evaluation:** A standardized achievement test must be given to the child annually. This must be one that is approved by the state board of education (see list) and must be administered by someone qualified to administer the test. However, the parent may choose instead to have the child’s academic progress assessed by a teacher who is currently working in the field of education. The assessment must be in writing.
- 6) **Remedy Any Deficiency:** If the annual evaluation reveals that the child is not making reasonable progress, according to his or her age or stage of development, the parent “shall make a good faith effort to remedy any deficiency.”
- 7) **Option (a):** The parent, regardless of qualifications, may instruct his/her own child by obtaining the services of a certified teacher who is to help the parent plan the course. The teacher is also to evaluate the child’s progress (test or assessment), and be with the child for a minimum of one contact hour a week average per month (two hours twice a month, or four hours once a month, etc.)
- 8) **Option (b):** The parent may homeschool without teacher supervision if he/she has either 45 quarter (or equivalent) college credit hours or has taken a course in home-based instruction at a postsecondary institution or vocational-technical institute.

- 9) **Option (c):** The parent may be deemed qualified by the local superintendent. In the case of a friendly superintendent, or if a parent has already been homeschooling for several years with obvious success, this might be possible.
- 10) **Liberal Construed:** “The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.”
- 11) **Family Rights: RCW 28A.200.020** “The state hereby recognizes that parents who are causing their children to receive home-based instruction under RCW 28A.225.010 (4) shall be subject only to those minimum state laws and regulations which are necessary to insure that a sufficient basic educational opportunity is provided to the children receiving such instruction. Therefore, all decisions relating to philosophy or doctrine, selection of books, teaching materials and curriculum, and methods, timing, and place in the provision or evaluation of home-based instruction shall be the responsibility of the parent except for matters specifically referred to in this chapter.” Chapter 441, Laws of 1985, SSB3279
- 12) **Ancillary Services:** The child may enroll in public school part time while being homeschooled, or while enrolled in a private school extension program. The child may take a course or courses and/or receive ancillary services, for which the school may receive funding. Some of these services may be counseling, testing, speech and hearing therapy, health or psychological services, music, art, PE, industrial arts, driver’s Ed, and others.
- 13) **Completion:** The bill does not specify a means for completing eighth grade or graduating from high school. It says that the child may transfer to a public school and the local superintendent may require testing to determine the appropriate grade level, after consultation with the parent and review of the child’s records. Something similar may be worked out for graduation. State graduation requirements do allow for competency testing. The homeschooled student may take a GED test at age 18 (or earlier with the superintendent’s written permission).

Private School Extension Program

- 14) **Minimum School Year:** The minimum school year shall be the same as public schools.
- 15) **Length of Day:** The length of the school day shall be the same as required for public schools, except that the percentages of hours per subject shall not apply. The reference in Note #10 above may or may not apply to the extension program. The decision would probably be up to the private school administrator.
- 16) **Eleven Required Subjects:** Same as in Note #1 above.
- 17) **Supervision:** Instruction shall be under the supervision of a certified teacher employed by the approved private school offering the extension program.
- 18) **Spend an Hour a Week:** The teacher is required to “spend a minimum average each month of one contact hour per week with each student” (not more than thirty students per teacher). See Note #7.

- 19) **Approved Private School:** The state regulations for private schools would have some bearing on the extension programs for homeschooling. The particular school would certainly have its own regulations which could affect the enrolled homeschooler, such as requiring courses in religion, etc. Please note that a correspondence course or other out-of-state program *does not constitute an approved private school* in the State of Washington.
- 20) **Completion:** The school may issue a diploma. The GED is still an option.

OUTLINE OF THE LAW

Compulsory Attendance: All children between the ages of 8 and 18 are required to attend school unless:

- 1) The child is attending an approved private school or is enrolled in an extension program of an approved private school;
- 2) The child is receiving home-based instruction;
- 3) The child is attending an education center;
- 4) The child is excused because of physical or mental disability;
- 5) The child is excused for a reason of faith or conscience, or an organized religious activity;
- 6) The child is sixteen years or older and:
 - a) The child is regularly and lawfully employed and the parent agrees that the child should not be required to attend school, or the child is emancipated.
 - b) The child has already met the graduation requirements in accordance with the State Board of Education rules and regulations.
 - c) The child has received a certificate of educational competence under the rules and regulations established by the State Board of Education.

Home-Based Instruction: To be legal, home-based instruction shall:

- 1) Consist of planned and supervised educational activities, including instruction in occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music;
- 2) Be provided for a time "equivalent" to the number of hours required for private schools;
- 3) Be provided by the child's parent, who
 - is supervised by a certified teacher who has contact with the child for one hour a week average per month, or
 - has earned the equivalent of 45 college quarter credit hours or taken a course in home-based instruction at a postsecondary institution or vocational/technical institute, or
 - has been deemed qualified by the local superintendent.

The legislature recognizes that home-based instruction is less structured and more experiential than classroom education; therefore, it has declared that these provisions on the nature and quantity of instruction shall be liberally construed.

Duties of Parents: Parents providing home-based instruction have a duty to:

- 1) File a statement of intent annually which must:
 - give the child's name and age
 - state if a teacher will be supervising
 - be filed by September 15 or within 2 weeks of the beginning of any quarter, trimester, or semester
 - use the format approved by SPI
- 2) Keep records on:
 - standardized test scores or written annual evaluations
 - immunizations
 - other applicable records, and to forward such to a school to which the child may later enroll at the time of that enrollment
- 3) Ensure annually that:
 - a standardized achievement test (from the approved list) is administered to the child by a qualified individual, or
 - a progress assessment of the child is written by a certified teacher currently employed in the field of education; the parent shall make a good faith effort to remedy any deficiency revealed by the annual evaluation

Parents who comply with these duties shall be presumed to be providing home-based instruction.

Other Options: Homeschooling may take place in conjunction with or include:

- 1) Part time enrollment in the local public school, or
- 2) Enrollment in an extension program of an approved private school.

Filing the Statement of Intent

What the Law States: The parent must "file annually a signed declaration of intent that...shall include (1) the name and age of the child, (2) specify whether a certificated person will be supervising the instruction and (3) be in the format prescribed by the SPI."

The "Declaration of Intent" is not a request for permission to homeschool. It is for the purpose of informing the superintendent that the child is receiving home-based instruction. The local superintendent is authorized to use his own stationery for the form. It is our understanding that he/she may REQUEST additional information, but may not REQUIRE it. Therefore, it would seem appropriate to fill out as much of the form as the law requires and leave the rest blank. If you fear that the superintendent might not accept the form that way, just send it to him by certified mail, which will provide you with the proof that you have complied with the law.

Part Time Students, Etc.: In the case of a parent wanting to enroll a child as a part time student in public school, more information than is required on the notification form may be required. After all, they have certain criteria that must be met by all children enrolling in the school. But you shouldn't be required to give any more information than is required of other parents whose children are enrolled full time. They may not discriminate against homeschoolers, but neither should we expect special favors.

When a parent (lacking other legal qualifications) requests to be “deemed qualified” by the Superintendent under option “c”, the parent may be expected to provide additional information. In this case, the parent is asking the superintendent to make a judgment regarding the parent’s qualifications to homeschool, so the parent might rightly be asked for evidence of such qualifications.

Both in this case and in the part time student situation, the additional information should be provided apart from the statement of intent so that the statement of intent may always remain just that. It should not be used as a means to regulate homeschooling, but simply as a notification to the district that the parent intends to provide the education for his or her child.

The Parent’s Duty: “Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth” in the law. In other words, they do not have to prove it. All they can be required to prove is that they have complied with the duties. The requirements regarding number of hours, the eleven subjects, qualification of the parent by college or course, etc. are all part of the legal definition of home-based instruction and, according to the law, are to be *presumed*, if the duties have been met.

The Law Protects Those Who Keep It. Complying with the homeschool law effectively removes homeschoolers from the jurisdiction of most other compulsory education laws. For instance, the law now states that parents must cause their child to attend school, and that the child shall have the responsibility to attend, unless the child is attending an approved private school or is receiving home-based instruction. This means that if the parent can’t or won’t compel the child’s attendance, the state can do so. But if the child is being legally homeschooled, the state may not compel his or her attendance. Without the statement of intent, you are – in effect – driving without a license. You may think you’re OK as long as you don’t get caught.

How It Works. Joseph walked down the road to meet a friend who was coming over to play. It was during school hours and, as they were walking back, they passed the local public school. Someone from the school stopped the boys and asked them why they weren’t in school. Joseph told him they were homeschooled. The boys were then asked their names and that was all. They continued on their way. There was no problem. Both boys were on record as receiving home-based instruction and no further inquiry was necessary.

Chapter 28A.225 RCW COMPULSORY SCHOOL ATTENDANCE AND ADMISSION

- 28A.225.005** Information for students and parents.
- 28A.225.010** Attendance mandatory – Age – Exceptions.
- 28A.225.015** Attendance mandatory – Six or seven year olds – Unexcused absences – Petition.
- 28A.225.020** School’s duties upon child’s failure to attend school.
- 28A.225.025** Community truancy boards.
- 28A.225.030** Petition to juvenile court for violations by a parent or child – School district responsibilities.
- 28A.225.031** Alcohol or controlled substances testing – Authority to order.
- 28A.225.035** Petition to juvenile court – Contents – Court action – Referral to community truancy board – Transfer of jurisdiction upon relocation.
- 28A.225.055** Excused absences – Search and rescue activities.
- 28A.225.060** Custody and disposition of child absent from school without excuse.
- 28A.225.080** Employment permits.
- 28A.225.090** Court orders – Penalties – Parent’s defense.
- 28A.225.095** Authority of court commissioners and family law commissioners to hear cases under this chapter.
- 28A.225.110** Fines applied to support of schools.
- 28A.225.140** Enforcing officers not personally liable for costs.
- 28A.225.151** Student-level truancy data – Reports – Data protocols and guidance for school districts.
- 28A.225.160** Qualification for admission to district’s schools – Fees for preadmission screening.
- 28A.225.170** Admission to schools – Children on United States reservations – Idaho residents with Washington addresses.
- 28A.225.200** Education of pupils in another district – Limitation as to state apportionment – Exemption.
- 28A.225.210** Admission of district pupils tuition free.
- 28A.225.215** Enrollment of children without legal residences.
- 28A.225.217** Children of military families – Continued enrollment in district schools.
- 28A.225.220** Adults, children from other districts, agreements for attending school – Tuition.
- 28A.225.225** Applications from school employees’ children, nonresident students or students receiving home-based instruction to attend district school – Acceptance and rejection standards – Notification.
- 28A.225.230** Appeal from certain decisions to deny student’s request to attend nonresident district – Procedure.
- 28A.225.240** Apportionment credit.
- 28A.225.250** Cooperative programs among school districts – Rules.
- 28A.225.260** Reciprocity exchanges with other states.
- 28A.225.270** Intradistrict enrollment options policies.
- 28A.225.280** Transfer student’s eligibility for extracurricular activities.
- 28A.225.290** Enrollment options information booklet.
- 28A.225.300** Enrollment options information to parents.
- 28A.225.310** Attendance in school district of choice – Impact on existing cooperative arrangements.
- 28A.225.330** Enrolling students from other districts – Requests for information and permanent records – Withheld transcripts – Immunity from liability – Notification to teachers and security personnel – Rules.

RCW 28A.150.350

Part time students – Defined – Enrollment authorized – Reimbursement for costs – Funding authority recognition – Rules, regulations.

- 1) For purposes of this section, the following definitions shall apply:
 - a) "Private school student" shall mean any student enrolled full time in a private school;
 - b) "School" shall mean any primary, secondary or vocational school;
 - c) "School funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;
 - d) "Part time student" shall mean and include: Any student enrolled in a course of instruction in a private school and taking courses at and/or receiving ancillary services offered by any public school not available in such private school; or any student who is not enrolled in a private school and is receiving home-based instruction under RCW 28A.225.010 which instruction includes taking courses at or receiving ancillary services from the local school district or both; or any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.
- 2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students: PROVIDED, that this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.
- 3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) of this section and shall include such costs in the distribution of funds to school districts pursuant to RCW 28A.150.260. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.
- 4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2) of this section, and shall include said costs in funding the activities of said school districts.
- 5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.150.260 and 28A.150.350.

RCW 28A.200.010

Home-based instruction – Duties of parents.

- 1) Each parent whose child is receiving home-based instruction under RCW 28A.225.010(4) shall have the duty to:
 - a) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15 of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides or the district that accepts the transfer, and the student shall be deemed a transfer student of the nonresident district. Parents may apply for transfer under RCW 28A.225.220;

- b) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with the parents and review of the child's records; and
 - c) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of academic achievement or a certificate of individual achievement pursuant to RCW 28A.655.061 and RCW 28A.155.045. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.
- 2) Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4).

RCW 28A.200.020

Home-based instruction – Certain decisions responsibility of parent unless otherwise specified.

The state hereby recognizes that parents who are causing their children to receive homebased instruction under RCW 28A.225.010(4) shall be subject only to those minimum state laws and regulations which are necessary to insure that a sufficient basic educational opportunity is provided to the children receiving such instruction. Therefore, all decisions relating to philosophy or doctrine, selection of books, teaching materials and curriculum, and methods, timing, and place in the provision or evaluation of home-based instruction shall be the responsibility of the parent except for matters specifically referred to in this chapter.

RCW 28A.225.010

Attendance mandatory – Age – Exceptions.

- 1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:
 - a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);
 - b) The child is receiving home-based instruction as provided in subsection (4) of this section;
 - c) The child is attending an education center as provided in chapter 28A.205 RCW;

- d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, is incarcerated in an adult correctional facility, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220; or
 - e) The child is excused from school subject to approval by the student's parent for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, for up to two days per school year without any penalty. Such absences may not mandate school closures. Students excused for such temporary absences may be claimed as full-time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and may not affect school district compliance with the provisions of RCW 28A.150.220; or
 - f) The child is sixteen years of age or older and:
 - i) The child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;
 - ii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or
 - iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.
- 2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.
- 3) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW 28A.305.130.
- 4) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:
- a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter 28A.410 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of

- children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or
- b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or
 - c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.
- 5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

RCW 28A.225.015

Attendance mandatory – Six or seven year olds – Unexcused absences – Petition.

- 1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.
- 2) If a six or seven year-old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall:
 - a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;
 - b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the third unexcused absence, then the school district may schedule this conference on that day; and
 - c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.
- 3) If a child required to attend public school under subsection (1) of this section has seven unexcused absences in a month or ten unexcused absences in a school year, the school district shall file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.

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

RCW 28A.225.025

Community truancy boards.

- 1) For purposes of this chapter, "community truancy board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. Community truancy boards must include members who receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, cultural responsive interactions, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community truancy board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving attendance such as connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or recommending to the juvenile court that a juvenile be offered the opportunity for placement in a HOPE center or crisis residential center, if appropriate.
- 2) The legislature finds that utilization of community truancy boards is the preferred means of intervention when preliminary methods to eliminate or reduce unexcused absences as required by RCW 28A.225.020 have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards. Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).

RCW 28A.225.030

Petition to juvenile court for violations by a parent or child – School district responsibilities.

- 1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district and a copy of the most recent truancy information document provided to the parent, pursuant to RCW

28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

- 2) The district shall not later than the fifth unexcused absence in a month:
 - a) Enter into an agreement with a student and parent that establishes school attendance requirements;
 - b) Refer a student to a community truancy board, if available, as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or
 - c) File a petition under subsection (1) of this section.
- 3) The petition may be filed by a school district employee who is not an attorney.
- 4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.
- 5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

RCW 28A.225.035

Petition to juvenile court – Contents – Court action – Referral to community truancy board – Transfer of jurisdiction upon relocation.

- 1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:
 - a) The child has unexcused absences as described in RCW 28A.225.030(1) during the current school year;
 - b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and
 - c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.
- 2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth the languages in which the child and parent are fluent, whether there is an existing individualized education program, and the child's current academic status in school.
- 3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.
- 4) (a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, it shall initially be stayed by the juvenile court, and the child and the child's parent must be referred to a community truancy board or other coordinated means of intervention as set forth in the memorandum of understanding under RCW 28A.225.026. The community truancy board must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences along with a timeline for completion.

- (b) If a community truancy board or other coordinated means of intervention is not in place as required by RCW 28A.225.026, the juvenile court shall schedule a hearing at which the court shall consider the petition.
- 5) When a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The court may permit the truancy board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.
- 6) If the community truancy board fails to reach an agreement or the parent or student does not comply with the agreement within the timeline for completion set by the community truancy board, the community truancy board shall return the case to the juvenile court. The stay of the petition shall be lifted, and the juvenile court shall schedule a hearing at which the court shall consider the petition.
- 7) (a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. Such actions may include referral to an existing community truancy board, use of the Washington assessment of risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is held, the court shall:
- i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, notice should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);
 - ii) Notify the parent and the child of their rights to present evidence at the hearing; and
 - iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.
- (b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.
- 8) (a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.
- (b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there has been proper service the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.
- 9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.30 or 28A.225.015.
- 10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

- 11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.
- 12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.
- 13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the school district, and an update on the child's academic status in school at a schedule specified by the court.
(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.
- 14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.
- 15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

RCW 28A.225.060

Custody and disposition of child absent from school without excuse.

Any school district official, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, may take into custody without a warrant a child who is required under the provisions of RCW 28A.225.010 through 28A.225.140 to attend school and is absent from school without an approved excuse, and shall deliver the child to: (1) The custody of a person in parental relation to the child; (2) the school from which the child is absent; or (3) a program designated by the school district.

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 suspension 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 mandatory attendance law and, if any assessment, including a urinalysis tests 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) (a) If the child fails to comply with the court order, the court may impose:
- i) Community restitution;
 - ii) Nonresidential programs with intensive wraparound services;
 - iii) A requirement that the child meet with a mentor for a specified number of times; or
 - iv) Other services and interventions that the court deems appropriate.
- (b) If the child continues to fail to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e). Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.
- 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 the 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 truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.
- 5) 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.

RCW 28A.225.095

Authority of court commissioners and family law commissioners to hear cases under this chapter.

In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under RCW 28A.225.030, 28A.225.090, and 28A.225.035 and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. In any judicial district having a family law commissioner appointed pursuant to chapter 26.12 RCW, the family law commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear cases under RCW 28A.225.030, 28A.225.090, and 28A.225.035 and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

RCW 28A.225.160

Qualification for admission to district's schools – Fees for preadmission screening.

- 1) Except as provided in subsection (2) of this section and otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the superintendent of public instruction, districts may establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the superintendent of public instruction that authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.
- 2) A student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be permitted to continue enrollment at the grade level in the common schools commensurate with the grade level of the student when attending school in the

sending state as defined in Article II of RCW 28A.705.010, regardless of age or birthdate requirements.

RCW 28A.225.225

Applications from school employees' children, nonresident students, or students receiving home-based instruction to attend district school – Acceptance and rejection standards – Notification.

- 1) Except for students who reside out-of-state and students under RCW 28A.225.217, a district shall accept applications from nonresident students who are the children of full-time certificated and classified school employees, and those children shall be permitted to enroll:
 - (a) At the school to which the employee is assigned;
 - (b) At a school forming the district's K through 12 continuum which includes the school to which the employee is assigned; or
 - (c) At a school in the district that provides early intervention services pursuant to RCW 28A.155.065 or preschool services pursuant to RCW 28A.155.070, if the student is eligible for such services.
- 2) A district may reject applications under this section if:
 - (a) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership;
 - (b) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (2)(b) must apply uniformly to both resident and nonresident applications;
 - (c) Enrollment of a child under this section would displace a child who is a resident of the district, except that if a child is admitted under subsection (1) of this section, that the child shall be permitted to remain enrolled at that school, or in that district's kindergarten through twelfth grade continuum, until he or she has completed his or her schooling; or
 - (d) The student has repeatedly failed to comply with requirements for participation in an online school program, such as participating in weekly direct contact with the teacher or monthly progress evaluations.
- 3) A non high district that is participating in an innovation academy cooperative may not accept an application from a high school student that conflicts with RCW 28A.340.080.
- 4) Except as provided in subsection (1) of this section, all districts accepting applications from nonresident students or from students receiving home-based instruction for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of a nonresident student if:
 - (a) Acceptance of a nonresident student would result in the district experiencing a financial hardship;
 - (b) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang* membership;
 - (c) Accepting of the nonresident student would conflict with RCW 28A.340.080; or
 - (d) The student has been expelled or suspended from a public school more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (4)(d) must apply uniformly to both resident and nonresident applicants.

*For purposes of subsections (2)(a) and (4)(b) of this section, “gang” means a group which: (i) Consists of three or more persons; (ii) has identifiable leadership; and (iii) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

- 5) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

RCW 28A.225.280

Transfer students' eligibility for extracurricular activities.

Eligibility of transfer students under RCW 28A.225.220 and 28A.225.225 for participation in extracurricular activities shall be subject to rules adopted by the Washington interscholastic activities association.

RCW 28A.225.330

Enrolling students from other districts – Requests for information and permanent records – Withheld transcripts, effect – Immunity from liability – Notification to teachers and security personnel – Rules.

- 1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:
 - a) Any history of placement in special educational programs;
 - b) Any past, current, or pending disciplinary action;
 - c) Any history of violent behavior, or behavior listed in RCW 13.04.155;
 - d) Any unpaid fines or fees imposed by other schools; and
 - e) Any health conditions affecting the student's educational needs.
- 2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.
- 3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010. School districts may charge the parent or guardian the actual cost of providing the copies of the records.
- 4) If information is requested under the subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets this definition of a child of a military family in transition under Article II of RCW 28A.705.101 shall be sent within ten days after receiving the request. Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is

shown that the school district or district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under Chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

- 5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.
- 6) When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.
- 7) A school may not prevent a student who is dependent pursuant to chapter 13.34 RCW from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the ten business days that the department of social and health services has to obtain that information under RCW 74.13.631. In addition, upon enrollment of a student who is dependent pursuant to chapter 13.34 RCW, the school district must make reasonable efforts to obtain and assess that child's educational history in order to meet the child's unique needs within two business days.

Examples of Approved Standardized Achievement Tests for Home-Based Instruction Use

Parents providing home-based instruction for their children may use any standardized achievement test that has been evaluated by Buros Institute of Mental Measurements (www.unl.edu/buros), the test evaluation organization recognized by the State Board of Education under WAC 180-52-070.

These tests are examples of the kinds parents may use. *(Revised Oct 2018)*

Formal Test Name

Test Publisher

American College Testing (ACT)	American College Test
Brigance	Curriculum Associates
California Achievement Tests, Fifth Edition (CAT/5)	CTB/McGraw-Hill
California Diagnostic Tests (CDT)	CTB/McGraw-Hill
Comprehensive Tests of Basic Skills (CTBS)	CTB/McGraw-Hill
Iowa Tests of Basic Skills (ITBS)	Riverside Publishing
Iowa Tests of Educational Development (ITED)	Riverside Publishing
Metropolitan Achievement Tests, 7th Edition (MAT/7)	Harcourt Edu Measure
Peabody Individual Achievement Test (PIAT)	American Guidance
PLAN (Pre-ACT)	American College Test
Preliminary Scholastic Achievement Test (PSAT)	The College Board
SAT and SAT Subject Tests	The College Board
Stanford Achievement Tests (SAT)	Harcourt Edu Measure
Stanford Early Achievement Test (SEAT)	Psychological Corp
Terra Nova	CTB/McGraw-Hill
Tests of Achievement and Proficiency (TAP)	Riverside Publishing
WA State Assessments: MSP, HSPE, EOC	Washington State

(sample format only)

Declaration of Intent to Provide Home-Based Instruction

Public School District
ESD/County

A parent who intends to cause his/her child or children to receive home-based instruction in lieu of attendance or enrollment in a public school, approved private school, or an extension program of an approved private school must file an annual declaration of intent to do so in the format prescribed below:

I do hereby declare that I am the parent, guardian, or legal custodian of the child(ren) listed below; that said child(ren) is (are) between the ages of 8 and 18 and as such are subject to the requirements found in chapter 28A.225 RCW Compulsory Attendance; I intend to cause said child(ren) to receive home-based instruction as specified in RCW28A.225.010(4); and if a certificated person will be supervising the instruction, I have indicated this by checking the appropriate space.

Child(ren)'s Name(s)

Age

_____	_____
_____	_____
_____	_____

() The home-based instruction will be supervised by a person certificated in Washington State pursuant to chapter 28A.410 RCW.

_____	_____
Signature	Date

Street Address

_____	_____	_____
City	State	Zip Code

This statement must be filed annually by September 15 or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides.

Send to:
Superintendent:
School District
Street Address, City, State, Zip Code