



# **KITSAP COUNTY** **JUVENILE & FAMILY** **COURT SERVICES**

## **TRUANCY** **MANUAL**

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# Introduction

The Kitsap County Truancy Manual is intended to provide a single source of information for individuals involved in the truancy court process, including school officials, Juvenile Court staff, attorneys, and community partners.

Over the last several years, the truancy laws have changed substantially. In an effort to address truancy and support school attendance in Kitsap County, the Juvenile Court is committed to working in partnership with the school districts, community partners, students, and families. Truancy is not just about missed school days but is often a symptom of underlying issues that need to be identified and addressed. Understanding the complexities of truancy is vital for matching strategies and interventions with the need. Essentially, finding the why and bridging the gap. Strong relationships in school are deeply important to student success. Sense of belonging and connectedness matter.

The creation of the truancy manual is aimed at establishing a clear and consistent protocol for addressing truancy cases in Kitsap County. Our ultimate goal is to ensure that all students have access to the necessary support they need to thrive academically and avoid the long-term consequences of chronic absenteeism. **It is crucial to emphasize that Truancy Petitions are the responsibility of the school district to file, as they act as the Petitioner in the legal proceedings.** Therefore, it is imperative that school districts and their staff strictly adhere to the relevant laws and policies outlined in the RCW (Revised Code of Washington) and MOU (Memorandum of Understanding) to fulfill their obligations effectively.

## **This Manual is divided into three parts.**

- **Part one** provides school district representatives a step by-step process for the district’s involvement in each level of the Kitsap County truancy process.
- **Part two** provides a description of the Kitsap County Truancy Workshop.
- **Part three** focuses on what happens if pre-court interventions are unsuccessful and, as a last resort, the child is referred to court.

Applicable statutes, regulations, and model forms have also been included.

Throughout this manual, unless indicated otherwise, the term “parent” means biological parent, guardian or person with legal custody. “Guardian” is defined by statute as “a person who legally has the care and management of a child.”

## Attendance Requirements

Every child who is at least 8 years old is required to attend school (public, private, or home-based) until age 18. Washington State Law states that parents in this state shall cause their children to attend. If a parent enrolls a child who is 6 or 7 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. ([RCW 28A.225.010](#); [28A.225.015](#).)

### **For purposes of this manual, an "unexcused absence" means that a child:**

- a. (i) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; **and**  
(ii) Has failed to meet the school district's policy for excused absences; or
- b. Has failed to comply with alternative learning experience program attendance requirements as described by the superintendent of public instruction.

**Excused Absences:** [RCW 28A.225.020\(2\)](#) establishes district authority to create policies for excused absences. [WAC 392-401-020](#) also clarifies that a school principal or designee has the authority to determine if an absence meets the criteria for an excused absence as outlined in this section of the WAC and their school district policy for excused absences.

### **State Attendance Laws, Rules and Guidance**

Becoming familiar with these key sections of the attendance law will provide a strong foundation for your role. These statutes are established exclusively by the Washington State Legislature.

- **RCW 28A.225.005** - Information for students and parents
- **RCW 28A.225.010** - Attendance mandatory-Age-Exceptions
- **RCW 28A.225.015** - Attendance mandatory- Six- or seven-year-olds- Unexcused Absences-Petition
- **RCW 28A.225.018** - Conferences to identify barriers to child's school attendance
- **RCW 28A.225.020** - School's duties upon child's failure to attend school
- **RCW 28A.225. 030** - Petition to juvenile court for violations by a parent or child- School district responsibilities.

OSPI as a state agency has certain authority granted by the Legislature to create administrative rules. Chapter 392-401 WAC is the primary chapter that applies to attendance and absences.

- **WAC 392-401-015** - Definition of absence from in-person instruction
- **WAC 392-401-018** - Daily attendance taking
- **WAC 392-401-020** - Excused absences
- **WAC 392-401-030** - Unexcused absences
- **WAC 392-401-040** - Student absences – General requirements
- **WAC 392-401-045** - Multi-tiered system of support for attendance



# KITSAP COUNTY TRUANCY PROCESS

SCHOOL DISTRICT LEVEL

## Part One:

### School District Level

This section is intended to provide school district representatives a step-by-step process for the district's involvement in each level of the Kitsap County truancy process.

### Truancy Liaison

[RCW 28A.225.026](#) mandates that all school districts must appoint and communicate to the local juvenile court and the [Office of the Superintendent of Public Instruction \(OSPI\)](#) an individual or individuals to oversee school district efforts in addressing excessive absenteeism and truancy. This includes tasks such as outreach and conferences as per [RCW 28A.225.018](#), establishing protocols and procedures with the court, coordinating trainings, sharing evidence-based practices, designating a point of contact within each school for excessive absenteeism and truancy, and aiding in the recruitment of community engagement board members.

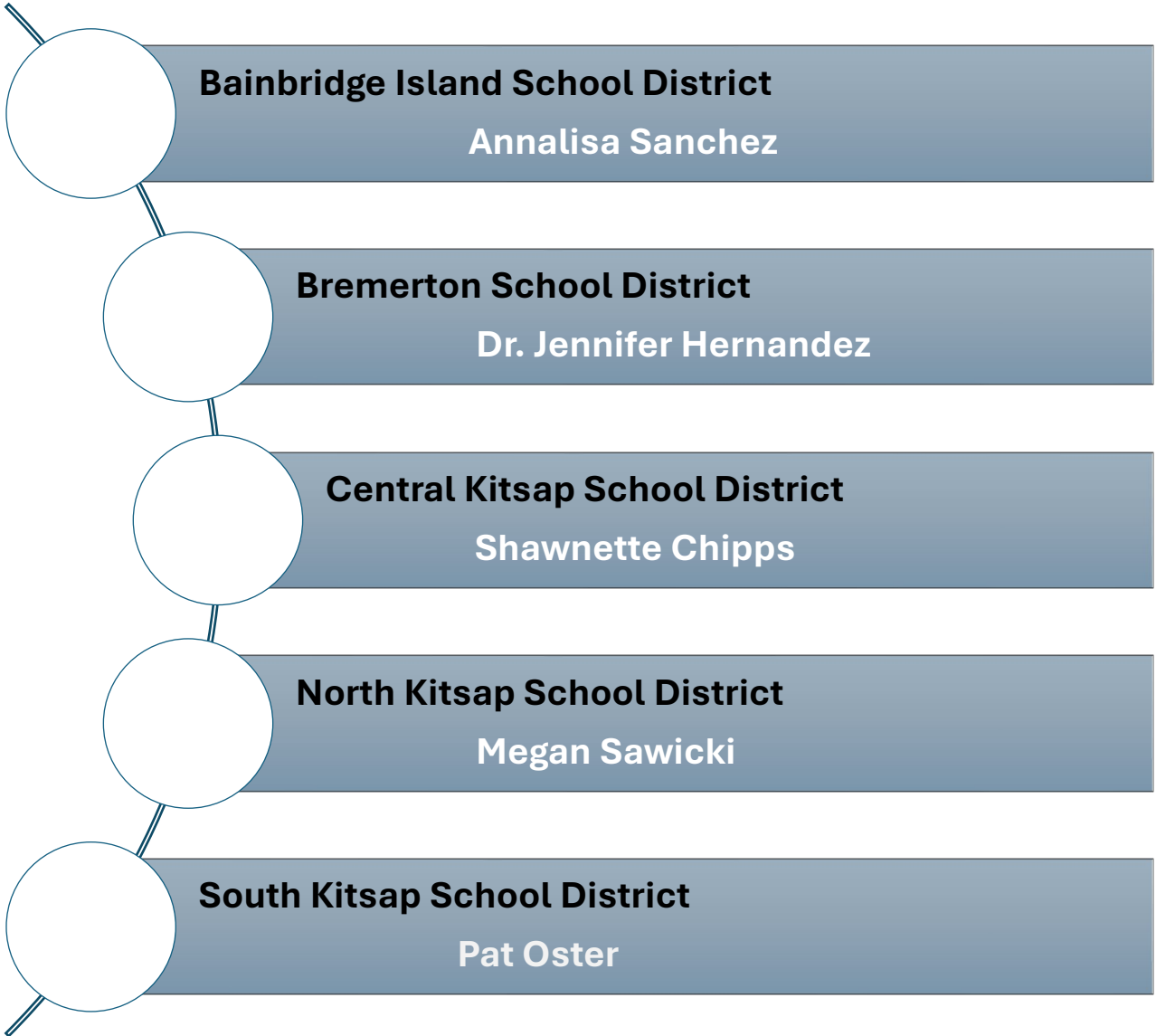
In Kitsap County, each school district has designated a Truancy Liaison to serve as the primary point of contact for any truancy-related inquiries. The Truancy Court Services Officer (CSO) assigned to Truancy maintains regular communication with the Truancy Liaison, providing updates on cases and ensuring a coordinated approach. Additionally, regular meetings are held between the Truancy CSO, truancy liaisons, and the Office of Educational Service District (OESD) to discuss ongoing efforts and collaboration.

It is important to note that while Kitsap County Juvenile Court highly values its partnerships with schools, our staff cannot offer legal advice. **The responsibility of filing a Truancy Petition lies with the school district as indicated in the RCW, and therefore, the Truancy Liaison should possess the necessary training and expertise to determine the appropriate course of action for each case.**

For case-specific inquiries or guidance on the next steps in the truancy process, school districts and school staff should reach out to the designated liaison. A Truancy Liaison is expected to be well-versed and trained in the Truancy Petition process. In the event of non-compliance, it may be necessary to schedule a court hearing, where the Truancy Liaison may be asked to provide an explanation for their actions or inaction to a Judge in open court.

To ensure clarity and alignment, a Memorandum of Understanding has been established, outlining the roles and responsibilities as required by the RCW. This document serves as a guide for all parties involved in addressing truancy cases, fostering a collaborative and coordinated approach.

## Truancy Liaison Contacts for Kitsap County (2024-2025)





## Step 1: School Monitoring, Notification, and Conferencing

School/District Requirements – It should be noted that these are the minimum requirements to be met to file a Truancy Petition with the Juvenile Court.

- **Provide Written notification to parents** – As per [RCW 28A.225.005](#) schools will notify parents and students about Truancy issues and have that signed by parents each year.
  - “Did You Know” Letter
- **One unexcused absence in a month** – the school is required to inform the parent in writing or by phone. If the parent is not fluent in English, the school must make reasonable efforts to provide this information in a language in which the parent is fluent. [RCW 28A.225.015\(2\)\(a\)](#).
- **Three unexcused absences in a month** - the school is required to schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences. [RCW 28A.225.015\(2\)\(b\)](#).
- **At some point after the second and before the seventh unexcused absence** – the school is required to take data-informed steps to eliminate or reduce the child's absences.
  - Application of the Washington assessment of the risks and needs of students (WARNS) or other school barriers assessment. Many schools and districts in Kitsap County are using the HOPE assessment.
  - For any child with an existing individualized education plan (IEP) or 504 plan, these steps must include the convening of the child's individualized education plan or 504 plan team, including a behavior specialist or mental health specialist where appropriate, to consider the reasons for the absences.
  - For any child without an existing IEP or 504 plan, who is reasonably believed to have a mental or physical disability or impairment, these steps must include informing the child's parent of the right to obtain an appropriate evaluation at no cost to the parent to determine whether the child has a disability or impairment and needs accommodations, related services, or special education services.
- **During this time, and where appropriate, the school should provide approved best practice or research-based intervention, as provided in the assessment or as listed below. Kitsap County is requiring a *minimum* of three (3) interventions:**
  - Adjust schedule
  - Arrange transportation changes
  - Arrange morning calls
  - ELL screener
  - Conduct home visit(s)
  - Offer resources (food, clothing)
  - Offer incentives for improvement
  - School barriers assessment (WARNS/HOPE)
  - Provide tutoring
  - Offer special school district programs
  - Provide individualized instruction
  - Contact student’s probation officer
  - Make special education referral
  - Refer to Attendance Re-engagement
  - Scheduled counseling appointment
- **Seven unexcused absences in a month, or fifteen unexcused absences in an academic year** – the school district shall file truancy petitions with the juvenile court.

## INCENTIVES & INTERVENTIONS

INCENTIVES & INTERVENTIONS	
School Based	Outside Referrals
<p><b>Services:</b></p> <ul style="list-style-type: none"> <li>• Transportation</li> <li>• Free or Reduced Meals</li> <li>• Tutoring / Saturday school</li> <li>• Counseling</li> <li>• Extra-curricular Activities</li> </ul>	<p><b>Counseling:</b></p> <ul style="list-style-type: none"> <li>• Family Functional Therapy</li> <li>• Cognitive Behavioral Therapy</li> <li>• Anger Management Classes</li> <li>• Outpatient Substance Abuse Treatment</li> <li>• Sleep Clinician</li> </ul>
<p><b>Change Enrollment:</b></p> <ul style="list-style-type: none"> <li>• Proximity to Current Residence</li> <li>• Connection to Prior School</li> <li>• Alternative Programs</li> <li>• Online Schools</li> </ul>	<p><b>Community Programs:</b></p> <ul style="list-style-type: none"> <li>• Support Groups</li> <li>• Alcoholics Anonymous</li> <li>• Alateen</li> <li>• Mentorship Programs</li> </ul>
<p><b>Adjust School Program:</b></p> <ul style="list-style-type: none"> <li>• Special Education (Evaluate IEP Needs)</li> <li>• English Language Learner (ELL)</li> <li>• Honors or Advanced Placement</li> <li>• Adjust Schedule ( to start late or add / remove particular classes)</li> </ul>	
<p><b>Staff &amp; Administration:</b></p> <ul style="list-style-type: none"> <li>• Bullying Intervention</li> <li>• Attendance / Sign-In Sheets</li> <li>• School Behavior Contract</li> <li>• Homelessness Liaison</li> <li>• Identify Teacher or Staff Support Contact</li> </ul>	

## Step 2: Filing a Truancy Petition

A truancy case begins when the school files a truancy petition. This is a legal document filed with the Kitsap County Superior Court. In the petition, the school district alleges that the student has had seven unexcused absences in a month or fifteen unexcused absences in a school year, and despite all efforts having been exhausted by the school, the student's absences continue without substantial reduction. Petitions must be filed with the court prior to the deadline provided each school year. Any truancy petitions received after that date will not be considered.

Once the school official determines that a petition must be filed on a student because he/she has met the statutory definition of truant, the school official will prepare a Truancy Petition (**Form 1**). This document is located on the Kitsap County Juvenile and Family Court Services website. The Petition must be completed thoroughly, checking all the boxes that apply and making sure that all of the actions and steps taken by the school to address the truancy are included. Copies of the attendance records and other supporting documents to the Petition as indicated in the "Quick check list" should be attached to the petition.

It is important to determine *who* the school district would like to file the Truancy Petition against. If the child is 6 or 7, the petition is filed against **only** the parent of the child. [RCW 28A.225.015\(3\)](#). If the child is otherwise under the age of 17, the petition may be filed against (a) the child **or** (b) the parent and the child. [RCW 28A.225.030\(1\)](#).

The petition must include a list of all interventions that have been attempted as set forth in [RCW 28A.225.020](#). Once fully completed, the original petition must be mailed to the Juvenile Court. If the CSO determines the petition is not completed as the statute requires, it will not be filed with the court and the sender will be alerted.

For properly completed Truancy Petitions, court staff will assign each student a juvenile number and then provide the paperwork to the Clerk's office. Once processed by the Clerk's Office, a case number is created. Court staff will create a Community Engagement Board referral form for the case (**Truancy Form 2**) and attach it to the truancy petition.

**The conformed copies of the Truancy Petition and Community Engagement Board Referral will be sent by Court staff to the sender. These documents must be served to the student and/or parents.** Service **shall** be by certified mail, return receipt requested, *or* by personal delivery to the student/parent. [RCW 28A.225.030\(5\)](#). The school must document the mailing by filling out the **Return of Service**. This document will state what was provided to the student and/or family and will require a school official to sign and return to their Truancy Liaison to be filed with the Court.

**Next step:** The filing of the petition triggers an automatic referral for the student/parent to attend a mandatory Community Engagement Board meeting. If the student is compliant, the case will be stayed until the end of the school year where the case will be dismissed.

**\*\*School districts must not hold a Community Engagement Board until the Truancy Petition is returned and served upon the family.\*\***

# Rules of Filing Documents to the Juvenile Court

Due to archiving and scanning requirements, all documents (including school records) must be:

- Single sided
- Original signatures
- All margins must be at least 1”, except the top margin on the first page of the filed document must be at least 3”
- Only black or dark blue ink
- No highlighting
- All documents submitted must be mailed flat **with no staples**
- Legible
- No colored paper

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Petition not fully completed or incorrect information provided. It is extremely important to have **all** information regarding the student and families on the petition and for that information to be accurate. i.e.: mailing address, phone number, email address, etc.

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Filing against the wrong party. Example: School district wants parent **and** student held accountable, but only files the petition on the student.

## Common Errors

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Pre-petition engagement not completed or minimal effort given to re-engage. School districts **must** meet the minimum requirements as provided in statute.

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School districts not continuing to monitor attendance and stopping re-engagement efforts once petition is filed causing further disengagement.

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Not serving the Truancy Petition to the student and/or parents. If the petition is not served, it is not valid.

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## Service of Documents

**Service by Certified Mail, Returned Receipt Requested:** [RCW 28A.225.030\(5\)](#) states that the school district may serve documents on the student and parent/guardian by certified mail, return receipt requested. The school must document the certified mailing, by filling out the Return of Service, detailing the date of delivery and return receipt, and submit to the Truancy CSO for filing with the Superior Court.

If the school has filed documentation with the Court regarding proper service (complete with return receipt), the Court may enter a default order that the student attend school. See notes on default orders below. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

**Personal Service:** The school district may also serve documents on the student and parent/guardian by personal service. The school district will need to have an adult who understands how to properly serve court papers. The process server will bring back a Return of Service document and file the original Return of Service document with the Truancy CSO. If the process server was not successful in serving papers timely, the school can attend the scheduled court hearing and ask to have the hearing rescheduled again to allow further service of process attempts.

If the process server delivered the documents or certified mail was successfully completed but the parent and/or student refused to come to court, the school district may ask for a default order to attend school. It is called a default order, because the school district prevails by default when the parties do not appear to contest the matter. The court will not enter a default order unless the school can show proof of service via a signed Return of Service form.

**DEFAULT ORDERS:** IF A DEFAULT ORDER IS ENTERED IN COURT, THE SCHOOL MUST SEND A COPY TO THE STUDENT/LEGAL GUARDIAN VIA CERTIFIED MAIL  
**NOTE:** The school district should keep a copy of all court documents for their records.

### Step 3: Community Engagement Board

A Community Engagement Board (CEB) is a crucial component of the truancy process in Kitsap County, providing a supportive environment for students and their families to address the underlying reasons for the unexcused absences and refer them to interventions and/or other prevention efforts to substantially reduce the student's unexcused absences. Formerly known as a Community Truancy Board (CTB), a CEB is formed through a partnership between a school district and community members. CEB members must be provided training in identifying barriers to school attendance, using tools like the Washington state "WARNS" or "HOPE" assessments, engaging in culturally responsive interactions, employing trauma-informed approaches, utilizing evidence-based treatments for at-risk youth and families, and understanding available services in the local school, court, and community. They can connect students and families with services such as functional family therapy or mental health support, suggest school transfers or alternative programs, connect with community partners, or recommend referral to specialized centers.

**RCW 28A.225.025 outlines CEB requirements, with Olympic Educational Services District (OESD) 114 offering valuable training and resources for establishing and operating a CEB.**

**The CEB must meet with the child, a parent, and the school district representative and enter into an agreement regarding expectations and any actions necessary to address the child's truancy within 20 days of the referral.** If the student is 6 or 7 years old, the child shall not be required to attend, and the agreement shall be between the engagement board, the school district, and the child's parent.

The establishment of members of CEBs is at the discretion of individual school districts, with members typically comprising individuals from the school, district, and local community partners. CEB's should have no less than three trained members on the team. These members collaborate with the student and family to develop a plan that supports the student's educational goals and helps prevent further court involvement.

During a CEB meeting, a formal CEB Agreement is created and signed by all parties involved. The Kitsap County Juvenile Court website provides a specific form, **Truancy Form 3**, that must be utilized by the CEB to document the agreement which is then filed with the Kitsap County Juvenile Court. **It is essential to schedule follow-up meetings with the student to allow time for interventions to be implemented and for the student to make progress in improving attendance.** The focus is on seeing improvements, not demanding perfection. If attendance shows significant improvement, the Truancy Petition remains on hold.

In cases where follow-ups, interventions, and CEB meetings do not result in a substantial reduction in absences, the school is required to complete **Truancy Form 4**, titled "Community Engagement Board Request for Truancy Workshop." This form is to be filled out by a CEB member, outlining the reasons why the CEB's efforts were unsuccessful and requesting official court intervention. This form will be filed with Kitsap County Juvenile Court.



# KITSAP COUNTY TRUANCY PROCESS

JUVENILE COURT  
INTERVENTION

## **Part Two:**

### **Step 4: Truancy Education Workshop**

If determined all efforts have been made to reengage the student in school and Truancy Form 4 has been completed, a letter will be sent to the student and/or family by the Juvenile Court requiring them to attend a Truancy Education Workshop. The Truancy Education Workshop will be held in person at the Kitsap County Juvenile and Family Court Services facility.

The Truancy Workshop is hosted by a Kitsap County Superior Court Judge and Juvenile Court staff and informs students and parents of the laws regarding truancy, their obligations to attend or cause attendance in school, and possible sanctions.

At this workshop, the school district will meet with students and families along with a Truancy CSO to come up with a Re-engagement Plan (**Truancy Form 6**) to address school attendance and re-engagement. The original will be signed by the student and family during the second half of the workshop and filed with the court after the commissioner/judge has signed it. Copies will be conformed/date stamped by the Truancy CSO and provided to the family during the second half of the workshop. One copy will be kept by the district.

The workshop agreements, Truancy Form 6, will be filed with the Court. **Schools will then use the Re-engagement Plan to monitor students' progress.**

If the youth does not improve their attendance following the workshop, or the student/family does not cooperate with the Truancy Workshop, they will be negatively exited from the program and referred back to the school district for court intervention. At this point, the school should file **Truancy Form 7**, School's Return of Case and Supplemental Engagement.

**Following a referral to Court, the school shall continue to monitor attendance and take steps to reduce or eliminate absences.**





# KITSAP COUNTY TRUANCY PROCESS

COURT APPEARANCE

## **Part Three:**

### **Step 5: Truancy Court**

If all efforts of reengagement have been exhausted and the student continues to accrue unexcused absences, the Truancy Liaison will converse with the Truancy CSO regarding the case to decide if it is time to lift the stay and set a Fact-Finding Hearing to move forward with court intervention.

**The Stay Order can only be lifted if the school district has done their due diligence to reengage the student back in school.**

If determined the best course of action is to set a hearing to lift the Stay, the school district will fill out and submit to the Truancy CSO the School's Return of Case and Supplemental Engagement form (**Form 7**). The school must list the interventions implemented and the resources offered to the student and families since the Stay Petition was originally filed. Additionally, the school must state what relief they are requesting from the Court. For example, if a student is struggling with mental health concerns but is refusing mental health treatment, the school district can request the Court to order the student to complete a mental health evaluation. The school district representative must be ready to articulate to the judge why they are making the requests and how it will substantially reduce the student's absences. If the school district intends to present evidence at the hearing, this evidence needs to be provided to the Truancy CSO and defense counsel at least two days before the hearing to allow all parties a chance to review.

Once Form 7 is completed and provided to the Truancy CSO, the Truancy CSO will complete the Summons Package (**Truancy Form 8**), and will file all completed documents with the Court Clerks. Conformed copies will be sent back to the school for proper service and a **Return of Service** will need to be completed and returned for filing with Court Clerks.

The school district is responsible for determining who shall represent the school district at hearings at a truancy petition.

### **Court Hearing**

To prevail on a Truancy Petition, the School District must prove (essentially) **three** things:

1. The child has the number of unexcused absences required for a truancy case (7 or more unexcused absences in a month or 15 or more unexcused absences in a school year) (RCW 28A.225.030(1)); **AND**
2. The school district has made reasonable efforts to substantially reduce the child's absences from school (RCW 28A.225.020); **AND**
3. The child continues to be absent from school on an unexcused basis.

**THE SCHOOL DISTRICT MUST PRESENT EVIDENCE IN COURT IN THE FORM OF DOCUMENTS AND WITNESSES TO PROVE ITS CASE!**

If the student is in a special education program or has a mental or emotional disorder, the court will inquire into what actions the school district has taken to assist the child.

If the student fails to appear at the preliminary hearing, the court *may* enter a default order but may not issue a bench warrant. A colloquy advising the student of his or her rights must occur at the next hearing at which the student is present.

### **Scope of Court's Authority**

At an initial hearing, if found that court intervention is necessary, the court may order a child subject to a petition to do one or more of the following:

- (1) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;
- (2) 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, a skill center, dropout prevention program, or another public educational program;
- (3) 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.

- (4) Be referred back to a Community Engagement Board for further intervention;
- (5) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law. If any test ordered under this subsection indicates the use of controlled substances or alcohol, the minor may be ordered to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the drug assessment at no expense to the school.

- (6) 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.

### **Orders & Interventions:**

If the judge determines 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 (**Truancy Form 9**) to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the student, to most likely cause the student to return to and remain in school while the student is subject to this chapter.

At this stage, it is common for the judicial officer to simply order the student to attend school. It may be necessary to set a realistic attendance goal, rather than a goal of perfect attendance. The court can also order school district to take specific actions that may be appropriate (e.g. provide better transportation, provide counseling resources, etc.).

### **Review Hearing:**

There is no requirement to hold review hearings, although school districts must report back to the court about the student's progress and the court may hold contempt hearings if the child continues to be truant. (*See Periodic Report to Court*). The court may order a review hearing for reasons such as to make sure everything is in place for future success, just before the end of the school year, to verify enrollment in a new school program, etc.

## Day of Court: What to Expect

### Meeting with Families at Court

District Representatives should talk with students and families who appear prior to going on the record as another opportunity for engagement and to see if there is any updated information that may be relevant to the hearing. If parties develop agreed-upon conditions for the order or agree to continue the hearing, let the Truancy CSO know. If the family does not appear or attempt to contact the district representative or Court within 30 minutes of the calendar starting, the district may request a default order or a continuance. (If parties were not properly served with notice, the hearing must be continued).

### Witnesses: Who to Bring to Court

Note: You must have people testify at the hearing who have firsthand knowledge of what they are testifying about. This avoids issues with hearsay evidence rules.

At least one school district representative should appear in person. **The Court requires preapproval for any party to appear via Zoom or telephonically.** Prior to the hearing, contact the Truancy CSO to facilitate a virtual appearance request.

- Truancy liaison
- Attendance clerk
- Community engagement board attendee (if intending to present what occurred at a CEB)
- Conference attendee (if intending to present what occurred at conference)
- Anyone who actually provided the school district's efforts to reduce absences to the parent/student

### How to Address the Court

Refer to the Judicial Officer as “Judge \_\_\_\_\_”, “Commissioner \_\_\_\_\_” or “Your Honor”.

State facts and avoid opinions. Example: Instead of “Parent does not make student attend”, say “Attendance records indicate that parent called to excuse absence due to their child not wanting to come to school on 1/2/2024.”

Keep statements short and to the point (bullet points).

Refer to the “Truancy Petition” as a tool as needed to recap the district’s attempted interventions and attempts to meet statutory duties.

## During the Hearing

The Judicial officer will ask District Representative the status of the case. The District Representative should provide an overview of:

- Attendance concerns; including number of absences during the current school year, attendance history or patterns, impact of absences on academic progress or credits toward graduation, etc.
- Interventions the district has attempted (Refer to Motion for Preliminary Hearing/Hearing Request if needed).
- Any specific conditions the district is asking the Court to order.
  - For example, “Parent will provide the school with current contact information”, “Parent will verify excused absences per school district policy within 48 hours”, “Student and Parent will meet with school counselor to explore credit retrieval options”, etc.

## Courtroom Logistics

### Who's Who in Truancy Court

#### *Judicial Officer*

The Judge or Commissioner is the judicial officer that oversees truancy cases in Kitsap County Juvenile Court. The Judge/Commissioner will hear testimony, review evidence, and make rulings in a truancy case. It is important to note that they make the decisions in a case when in court and their rulings must be taken seriously.

#### *Court Clerk*

The Court Clerk manages paperwork, scheduling, and other general logistics for the judicial officer. Any communication intended for the Judge/Commissioner must go through the Court Clerk and include all parties to the case. The Court Clerk handles all the documentary evidence for the Court.

#### *Defense Attorney*

The defense attorney is appointed by the Court to represent the child in the truancy case at no cost to the family. The defense attorney defends against the allegations made by the school district and may assist in negotiating an out-of-court resolution to the truancy case on behalf of the child. Parents are not provided a defense attorney.

#### *Truancy Court Services Officer*

The Truancy Court Services Officer will assist the parties in navigating through the court process.

### COURT ROOM LOGISTICS

Judge/Commissioner

Court Clerk

School District  
Representative

CSO

Defense  
Attorney

Student/Parent(s)

Court Room Observers – Open to Public

## Witness Testimony Script for Contested Petitions

*{Use the questions that are applicable to your case and witness}*

1. Please state your name for the record and spell your last name.
2. Where do you work?
3. What is your job title?
4. What school and school district is the student enrolled in?
  - a. Is this school in the child's own school district?
5. Does the student have unexcused absences during this school year? How many?
  - a. Has the student failed to comply with a more restrictive school district policy?
  - b. Has the student failed to meet the school district's policy for excused absences?
6. Does this student have an existing IEP or 504?
  - a. If yes, was an IEP or 504 team meeting convened (including behavior or mental health specialist where appropriate) to consider the reasons for the unexcused absences?
    - i. Did any parent consent to a functional behavioral assessment of the absence behavior?
    - ii. Was a behavior plan completed?
  - b. If no, does the student have any suspected mental or physical disabilities or impairments?
    - i. If yes, did the school district inform the parent of the right to obtain an appropriate evaluation at no cost to the parent to determine if the child has a disability or impairment and needs accommodation, related services, or special education?
7. What communication has been sent to the student and parents regarding the absences?
8. What conferences have been held with the parents and child regarding the absences?
  - a. If the witness was personally involved in the conference: What occurred during the conference?
9. What other interventions have been taken to eliminate or reduce the absences?
10. What remedies are you seeking from the Court today?



## Step 6: Contempt

Students and parents who willfully violate the court order and continue to have unexcused absences can be summoned back to court for a "contempt hearing." Contempt proceedings are considered a last resort for youth. When all attempts to engage a youth have failed and it is determined that a youth's refusal to attend school is a "will" issue and not a "skill" problem, contempt paperwork can be filed. The Juvenile Court will collaborate with the School District on this process to make sure that no options have been missed.

It is the school district's obligation to inform the court if the student is out of compliance with the court's order compelling school attendance. The School District Representative will be responsible for accurately completing **Form 11- School's Request for Contempt** and submitting it to the Truancy CSO. This form should outline in detail the steps the school district has taken since the Initial Hearing and what relief the school district is requesting the court to order. If it is incomplete, the Truancy CSO will return it to the school district with a request for additional information. If it is complete, the Truancy CSO will file it with the court. The Truancy CSO will complete **Form 12**, which is a Summons for Contempt. The Truancy CSO will provide a copy of the contempt paperwork to the assigned Defense Attorney and send to the school district their conformed copy. The school district must then take these documents and serve them to the student and/or family. A **Return of Service** must be filed indicating service has been completed. A Truancy Contempt Order (**Form 13**) will be prepared for Court by the Truancy CSO also to be used in Court. The Truancy CSO will also notify attorneys of potential assignments and dates of court.

**School districts are required to attend these hearings.** This is the school district's motion and the school official's presence convey to the students and their parents the fact that the schools are part of the overall truancy "team," and the overall commitment to resolving truancy issues.

### **Student's failure to comply with court order**

At the youth's first appearance on the order to show cause contempt, he or she will be appointed an attorney at public expense. The youth will either admit or deny that they are in contempt of court. If they do not admit, a contested hearing will be held so that the court can make a finding as to whether or not they have violated the Order to Attend School.

If the court finds that the student did violate the order to attend school, the student can be ordered to do community service hours or other sanctions as determined by the Court.

### **Parent's failure to comply with court order**

Parents are not provided an attorney; however, they can hire one should they wish to do so at their own expense. The parents will either admit or deny that they are in contempt of court. If they do not admit, a contested hearing will be held so that the court can make a finding as to whether or not they have violated the Order to Attend School. For parents petitioned with allowing their child aged eight through seventeen to miss school, it is a defense to show that they exercised reasonable diligence in attempting to cause a child in their custody to attend school or

that the child's school did not perform its duties to intervene and assist the family as required by law. If the court finds that the parent did not make reasonable efforts to cause their child to attend school, the parent/guardian can be sentenced to community service hours, financial sanctions, or other means within the court's discretion.

After the admission or a finding of contempt, the Order on Hearing-Contempt (**Form 13**) is signed by the judge. An order of contempt may include coercive measures intended to improve the student's willingness to comply with the original order compelling attendance including community service, fines, or participation in community-based programs.

Depending on the student's attendance after the contempt hearing, future review hearings may be necessary to review the student's progress towards his/her attendance goals.

## Sanctions

Recent legislative changes have significantly altered the truancy process in Washington state. Therefore, it is now essential for schools to utilize community-based interventions to identify and address the needs of students who are struggling academically and promote regular school attendance.

If the court finds the parent or child in contempt of its order to attend school, the court may impose:

- Community restitution (also known as community service or work crew);
- Nonresidential programs with intensive wraparound services;
- A requirement that the child meet with a mentor for a specified number of times; or
- Other services and interventions that the court deems appropriate. (RCW 28A.225.090(2)(a).)

## PURGE CONDITIONS & SANCTIONS

### Purge Conditions or Sanctions

### Sanctions

#### Goals:

- Tour local college or community college – prepare course schedule from catalog
- Prepare a career plan including what education and other qualifications will be necessary
- Take an aptitude test
- Draft a resume/cover letter
- Meet with school counselor to plan how to get back on track.
- Keep a log of contact with teachers

#### Warnings:

- Tour adult or juvenile detention facilities
- Prepare a budget for living independently on minimum wage

#### Lighter Sanctions:

- Community Service/ Restitution
- Allow youth to purge one hour of service per day of school attended
- Prohibit or Limit Cell Phone, TV, Computer, or Gaming Console Use

#### Essay Topic Examples:

- Tell me about something that you are proud of
- Explain why you are not attending school
- Describe what you do when you are not in school
- Tell me about someone you admire (could be a famous person or someone you know), and think of ways you are like that person
- What are your goals and dreams?
- Tell me anything about yourself that is important for me to know

#### Book Assignments:

*See the next pages for prompts and books on:*

- Addiction-Substance Abuse
- Adoption
- Bullying
- Difficult Families
- Foster Care
- Gangs
- History
- Homelessness
- Incarceration & Criminal Activity
- LGBTQ Youth
- Mental Illness

#### Financial Sanctions:

- \$25 per day with the option of converting to community service.
  - Can give option of "buy back" Ex: \$25 a day, but will not impose if 10 days of improved attendance.

## **Book Assignments - Possible Interventions, Purge Conditions, & Sanctions:**

- Get a public library card – may not be appropriate as a sanction or purge in some districts, depending on procedures for getting a card.
- Go to school library or public library.
- Select a book from the list, or a similar book based on the recommendation of a teacher or librarian. The judicial officer could assign the youth to read a book on a particular subject or just to read any of the books.
- Provide a written response to one (or more) of the following prompts:
  - Describe a difficult decision one of the characters made. What were the consequences? What would you have done differently? How does this compare to important decisions you have made?
  - (If the book is not in diary form): Write a journal or diary entry for an important day for one of the main characters.
  - Think of a different ending for the book. Compare your ending to the original. Is yours more fair? More realistic? Funnier?
  - Review the book. You can comment on the style of the book, the characters, the setting, etc. Say whether you recommend it to other students your age.
  - Write a letter (you don't have to really mail it) to the author of the book or one of the characters. Tell them what you thought of the book and ask them questions about the events in their lives.
  - Pretend you are a journalist covering an event in the book for a local newspaper. Write an article about one of the events. You can make up quotes from the characters as if you had interviewed them.
  - Write a song, poem, or rap about the book.
  - Write your own test on the book. Come up with multiple choice questions and essay questions. Then answer your questions.

If possible, it may help to develop a supply of these books to give or loan to youth in order to eliminate extra steps. Otherwise, it may be necessary to provide the students with information about local libraries or services that provide books to young people.

## Purge Hearing

If a student is found to have violated a court order, they *may* be given the opportunity to rectify the situation by demonstrating improved attendance, participating in after-school educational activities, watching a character-building video, completing community service hours, or other activities as directed by the Court. Similarly, if a parent is found to have violated a court order, they may have the chance to address the issue by actively supporting their child's attendance, taking a truancy education course online, or other appropriate actions.

A purge hearing will typically be scheduled by the court to confirm that the student or parent has successfully addressed the contempt. If not, further consequences may be imposed. Following the successful purging of contempt, the school will continue to monitor attendance. If attendance remains a concern, the process will be repeated with the school district working diligently to reengage the student in their education.

## Periodic Report to Court

It is a legal requirement that schools must periodically report to the court on the attendance records and academic progress of any truant students over whom the court has jurisdiction. [RCW 28A.225.035.13\(a\)](#). Once the court assumes jurisdiction, the school district must begin reporting to the court about the student's progress. This is done by completing **Truancy Form 10**, available on the Kitsap County Juvenile and Family Court Services website.

The court must receive the first report no later than three months after the court assumes jurisdiction over the student. After that, the school district must send reports periodically throughout the court's jurisdiction over the youth.

These reports must include:

- ❖ The student's academic status
- ❖ Any actions taken by the school district to improve the student's attendance
- ❖ Whether the student has any additional unexcused absences

# KITSAP COUNTY SCHOOL DISTRICT TRUANCY PROCESS

## BEGINNING OF THE YEAR

**SCHOOL PROVIDES TRUANCY INFORMATION**  
 Inform students and parents of the benefits of school attendance; the potential effects of excessive absenteeism on academic achievement/ graduation/ dropout rates; school's expectations of parent/guardian to ensure regular attendance; resources available to assist child and parent/guardian; role and responsibilities of the school; and consequences of truancy.

## ONE UNEXCUSED ABSENCE

**SCHOOL NOTIFIES PARENT**  
 Inform the parent in writing or by phone of absence. If the parent is not fluent in English, the school must make reasonable efforts to provide this information in a language in which the parent is fluent. RCW 28A.225.015(2)(a)

## THREE OR MORE UNEXCUSED ABSENCES IN A MONTH

The school is required to schedule a conference, or conferences, with the parent and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences. RCW 28A.225.015(2)(b).

### SCHOOL TAKES DATA INFORMED STEPS – BY THE 3RD AND BEFORE THE 5TH

Application of the Washington assessment of the risks and needs of students (WARNS) or other school barriers assessment. Many schools and districts in Kitsap County are using the HOPE assessment. The results of this assessment must be used to reduce/eliminate barriers identified.

### SCHOOL MUST TAKE STEPS TO ELIMINATE OR REDUCE ABSENCES

Data strategies may include: conducting home visits, adjusting the student's schedule or assignments, providing individualized or remedial instruction (IEP, 504), providing resources (food, clothing, etc.), requiring attendance at an alternative school or program, or assisting parent or child to obtain supplementary services.

### SCHOOL PREPARES AND FILES A PETITION (WHICH IS AUTOMATICALLY STAYED)

RCW 28A.225.030(2)(c) & Local Agreement with School Districts

### Automatic Referral to School Based Community Engagement Board (CEB)

CEB must meet with the child (8 or older), a parent, and the school district representative, at a reasonable time, and enter into the CEB agreement (Truancy Form 3) regarding expectations and any actions necessary to address the child's truancy within 20 days of the referral. Truancy petition and Form 2 must be served on student and/or family.

## SEVEN UNEXCUSED ABSENCES IN A MONTH OR FIFTEEN IN A YEAR

**Failure to Appear or Failure to Agree to CEB Agreement**

**Non-Compliance with CEB Agreement**

## TRUANCY WORKSHOP PROCESS WHERE CEB FAILS

If absences have not substantially reduced after CEB, Truancy Form 4 sent to CSO. At this workshop, the school district will meet with students and families along with a CSO to come up with a Reengagement Plan (Truancy Form 6) to address school attendance and reengagement. **Schools will then use the Reengagement Plan to monitor students' progress.**

**Failure to Appear or Failure to Agree to Workshop**

**Non-Compliance with Workshop Agreement to Attend**

### SCHOOL DISTRICT REFERRAL TO COURT - STAY LIFTED - COURT HEARING ON PETITION

Truancy Form 7 completed requesting court intervention. If the court finds the allegations in the petition, the child is ordered to attend school AND/OR parent ordered to exercise reasonable diligence.

In the event the child continues to have unexcused absences the school files a contempt petition and upon contempt finding the court can impose community service, wraparound services, mentoring, or other interventions (28A.225.090). Parents are subject to a monetary fine of up to \$25 per day, parenting classes (at school's finding), community service, or other interventions.

KITSAP COUNTY  
 JUVENILE TRUANCY  
 COURT PROCESS  
 WHERE TRUANCY  
 WORKSHOP FAILS

## When a Student Moves

After the truancy petition has been filed, if the student moves to a different school district within Kitsap County, the existing court case can be handed off to the new school district upon agreement.

- The original school district files a Notice of Substitution, signs off, and delivers it to the new school or school district.
- The new district signs the Notice of Substitution and then files the notice with the Truancy CSO.

If the student moves to a new county in Washington State, the original school district should notify the new school of the existing Kitsap County case. Upon request, the court will transfer the court case to the new county.

If the student moves permanently out of state, this court process no longer applies to the student and the case can be dismissed.

## Order Dismissing Truancy Petition

All Truancy Petitions will be dismissed at the end of the school year at a date specified by Juvenile Court unless the Court orders otherwise for extenuating circumstances. No parties will be required to appear at this hearing except when specified by the Judge/Commissioner depending on the status of the petition.

After the Judge/Commissioner signs the original dismissal order:

- The conformed copy will be sent to the School District
- The Truancy CSO will mail copies to the student and parent/guardian.
- A copy will be placed in the social file for juvenile court records.

## Truancy Court & Criminal Conduct:

If a truant youth moves from a stay order or intervention order to community supervision (probation) the truancy order *may* be dismissed. This is dependent on the youth's age and the length of community supervision. In such cases, the CSO will notify the school district of the youth's status. School attendance issues are monitored as part of the youth's community supervision order.

**\*\*Note:** When a youth enters a diversion contract, the Order to Attend remains in place. The youth's attendance should continue to be monitored by the school district or Truancy CSO as diversion contracts are short term interventions and typically do not address truancy concerns.

## **When a Student Turns 18**

When a student reaches age eighteen, or graduates, or receives a GED, the court no longer has jurisdiction, and the truancy case will be dismissed.



## At-Risk Youth (ARY)

In cases where a student's truancy is believed to be a result of a parent or guardian's inability to manage the student's behavior, the school may consider referring the parent/guardian to the Department of Children, Youth, and Families (DCYF) for assistance under the At-Risk Youth (ARY) law, also known as the Family Reconciliation Act (RCW 13.32A). The ARY law aims to keep families together whenever possible, with support from the Department of Social and Health Services (DSHS) or the court system.

DCYF can provide referrals for supportive services and help parents/guardians in filing an ARY petition. If the court grants an ARY petition, the youth will be required to adhere to parental rules, curfews, attend school, and more. Violations of an ARY order may result in community restitution, participation in residential or non-residential programs with intensive support services, meeting with a mentor, or other interventions as determined by the court.

The court may impose remedial sanctions, such as a fine up to \$100 or placement in a secured residential program with intensive services, for contempt of court if less restrictive alternatives have been attempted and failed, or if the court finds no other alternatives available.

Parents/guardians seeking assistance under the ARY law can contact the Department of Children, Youth, and Families at 1-855-420-5888 to file an At-Risk Youth Petition. A Social Worker will assist in scheduling an appointment and preparing a Family Assessment.

An At-Risk Youth is defined as a child under 18 who meets at least one of three criteria:

1. Absent from home without consent for 72 hours,
2. Displaying behavior endangering themselves or others, or
3. Having a substance abuse issue without pending criminal charges related to substance abuse.

**Only a parent or legal guardian may file an ARY petition.** Once an ARY petition is filed, both the parent and child are under a court order and must engage in services the court deems appropriate.

ARY proceedings are voluntary, and a parent may request dismissal at any time.

## Forms

Truancy Form 1 – Truancy Petition

Truancy Form 2 – Community Engagement Board (CEB) Referral

Truancy Form 3 - Community Engagement Board (CEB) Agreement

Truancy Form 4 - Community Engagement Board (CEB) Return of Case

Truancy Form 5 – School’s Request for Truancy Workshop Referral

Truancy Form 6 – Truancy Workshop Agreement

Truancy Form 7 – Supplemental Reengagement Efforts & School’s Request for Court

Truancy Form 8 – Summons Package for Initial Court Hearing

Truancy Form 9 (A/B) – Initial Truancy Order (Order to Attend)

Truancy Form 10 – School’s Periodic Report to Court

Truancy Form 11 – School’s Request for Contempt

Truancy Form 12 – Summons Package for Contempt

Truancy Form 13 (A/B) – Contempt Order

Truancy Form 14 – Contempt Purge Order