



What every parent needs to know

Basic Education Rights and Opportunities in Public Schools



A handbook for parents with children in elementary and secondary public schools in the state of Washington

Office of the Education Ombudsman
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TeamChild®

TeamChild is a non profit agency that was founded in 1995 to work directly with youth who were involved in or at risk of involvement in the juvenile justice system. TeamChild provides civil legal representation and advocacy to help youth secure appropriate educational services, mental health & medical evaluation and treatment, safe and stable living situations, and other community based supports. TeamChild currently has offices in King, Pierce, Snohomish, Spokane and Yakima counties. TeamChild also provides a wide range of community legal education and training statewide for lawyers, advocates, families and youth. For more information about TeamChild, visit www.teamchild.org.

Office of the Education Ombudsman

The Office of the Education Ombudsman (OEO) is an agency within the Governor's Office that provides information regarding elementary and secondary public education, promotes family and community involvement in schools, helps resolve problems between families and educators, and makes recommendations to public officials.

OEO promotes equity in education and the academic success of all students attending elementary and secondary public schools in Washington State.

All of OEO's resources and services are free and available Monday through Friday from 8 am to 5 pm. For consultation over the phone with an Education Ombudsman or to receive resource materials about other education issues, call toll-free **1-866-297-2597**. Interpreter services are available in over 100 languages. For additional information, visit OEO's website at www.waparentslearn.org.

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This publication is an adaptation of portions of the manual, *Make a Difference in a Child's Life: A Manual for Helping Children and Youth Get What They Need in School*, written and produced by TeamChild in partnership with Casey Family Programs. For a copy of the *Make a Difference* manual, visit www.teamchild.org or call TeamChild at (206) 322-2444.

This publication provides basic information on education law in Washington State. While it provides information about the law, it is not legal advice, and is not in any way intended to be a substitute for legal advice or representation. If you need legal advice, please contact a lawyer who can look at the specifics of a particular situation and apply the law.

Keep in mind that laws change and that the law explained in this publication may have changed since it was written. Consult with an attorney who knows this area of law to make certain that it is still valid.

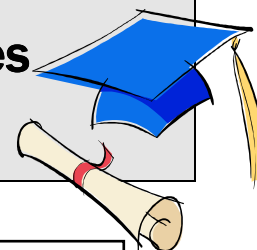
Basic Education Rights and Opportunities in Public Schools

I.	Introduction.....	1
II.	Right to Education	2
	Is there a right to education in Washington State?	2
	What does this right mean for my child and other students?.....	2
III.	Enrollment.....	3
	What is needed to enroll my child in school?	3
IV.	Enrolling Homeless Children and Youth	4
	What if I don't yet have all of the paperwork for my child because we are homeless?	4
V.	Where to Enroll?	5
	What is considered my child's "resident" district?.....	5
	Can my child attend school in a district other than the one in which he or she resides?	5
	What school within the district will my child attend?.....	5
VI.	Attendance.....	7
	Do all children and youth have to go to school?	7
	What is truancy?.....	7
	Can my child be disciplined or suspended for non-attendance?	7
	What if my child has disabilities or is in special education and also has unexcused absences?	8
	What is the "Becca Bill?"	8
	If my child has unexcused absences, does the school have to do anything before taking my child to juvenile court?	9
	What is a truancy petition?.....	10
	How will I know if a truancy petition has been filed?	10
	What happens after a truancy petition is filed?	10
	If I receive a truancy petition in the mail, is there any way to solve the problem without going to court?	11
	What is a truancy fact-finding hearing?.....	11

What is a truancy order?	12
What if the school tries to have my child sign an agreed truancy order?	12
What is a truancy contempt hearing?	13
Will my child get a lawyer in truancy court?	14
How long does a truancy order last?	14
What happens to the truancy case if my child changes school districts?	14
What happens if my child misses twenty consecutive days of school?	14
VII. Home Schooling	16
Can my child be home-schooled?	16
How does the school know if my child is being home-schooled?	16
How does my child's progress get reported if he or she is home-schooled?	16
How is my home-schooled child assessed every year?	16
At what age and for how long can my child be home-schooled?	17
What kind of formal curriculum is required for my child if he or she is home-schooled?	17
How many hours per day of instruction are required for home-schooled students?	17
Who can provide home-based instruction?	17
If my child is home-schooled, can he or she attend school part-time?	18
If my child is home-schooled and enrolled part time, can he or she attend the classes he or she wants?	18
Can my child attend college or other post-secondary school if he or she is home-schooled?	19
Are there alternatives to high school and home-schooling for older students who don't want a traditional public high school experience?	19
VIII. Student Rights and Responsibilities	21
What are students' basic rights and responsibilities?	21
What are the special protections and programs for students who have disabilities, are involved with the juvenile court system, pregnant, homeless, migrant, non-English speaking, or Native American?	21
IX. Educational Opportunities for Students 18 to 21	24
Can my child who is turning 18 still get an education?	24
Do students ages 18 to 21 have to pay for their public school education?	24
What is a GED and is it the same as a high school diploma?	24
X. Vocational Opportunities	25

	What kind of vocational training is available for young adults?.....	25
XI.	Education After High School.....	26
	What should my child do if he or she wants to prepare for education after high school?	26
XII.	Conclusion.....	28
XIII.	Action Points – Basic Education Rights and Opportunities.....	29
XIV.	Key Terms – Basic Education Rights and Opportunities	30
	Notes Section.....	32

Basic Education Rights and Opportunities In Public Schools



What to Remember about Basic Education Rights: 3 Quick Tips for Parents

- ◆ Children have the right to attend public school in the district where they live, even if they are homeless, have just moved to the area, or will live in the area for only a short time.
- ◆ Schools must make prompt decisions regarding enrollment.
- ◆ There are many educational opportunities for students in Washington public schools, including vocational programs and home-schooling.

I. Introduction

When students stop going to school, or have unexcused absences, school staff have a duty to take steps necessary to address the underlying reasons why they are not in school.

Education is a basic, constitutional right in Washington. Students have certain rights and responsibilities, and school districts have specific duties. School districts have well-defined duties to enroll students promptly, and they must consider requests for enrollment from students who are out-of-district and out of their home school area. Students cannot be denied an equal educational opportunity because of their race, national origin, disability, pregnancy, or juvenile court involvement. Students may be eligible for special programs or services. When students stop going to school, or have unexcused absences, school staff have a duty to take steps necessary to address the underlying reasons why they are not in school before suspending students or taking them to court for being truant.

Knowing these rights and responsibilities will ensure that your child gets the best possible education. This publication provides information on these and other basic educational rights. You can use it to get school officials to respond to the needs of your child in a timely and appropriate manner.

If you would like to read the laws and statutes cited in this publication visit the Office of the Education Ombudsman's website at www.waparentslearn.org.

II. Right to Education

A school district cannot take away a student's right to education without providing him or her with an opportunity to dispute the removal from school.

Is there a right to education in Washington State?

Yes. *There is a right to basic education in this state.*

Education is a right in Washington State. The Washington Constitution states that an ample education is the state's paramount duty. It is the state's highest, most important duty to provide a system of public education for students of school age.

What does this right mean for my child and other students?

Students cannot be denied an education without due process of law.

Washington courts have required that the legislature define what level of "basic education" will be provided to all students and to fund schools to provide this basic level of education.

A school district cannot take away a student's right to education without providing him or her with an opportunity to dispute the removal from school. School districts must have a very good reason to justify a permanent or indefinite removal of a student from school. See the Office of the Education Ombudsman's publications *Protecting the Educational Rights of Students with Disabilities* and *Discipline in Public Schools* for a more detailed discussion of school discipline and student rights.

III. Enrollment

Where you can have an impact

Know as much as possible about your child's personal and educational history, special abilities and needs, educational goals, and preferences. Tell school officials about these issues at every contact. Communicate key points firmly and respectfully in writing.

What is needed to enroll my child in school?

Your child should be enrolled as soon as possible and several basic steps are required to accomplish this.

1. Contact the school district office or local school to pick up an "enrollment packet" containing necessary forms, etc. If you expect any problems or are otherwise curious, also request a copy of the district's written enrollment or admissions policies.
2. For a first-time enrollment in Washington public schools, the school district may request a copy of a student's birth certificate. If a student has previously been enrolled in another school district in the state, the district will ask for the names of prior school districts, information about the student's disciplinary history, special educational needs, and any health conditions.
3. Proof of immunization is required before beginning school. Immunization means shots or vaccinations that children get to prevent illnesses such as measles. Records that show a student has completed all of his or her vaccinations will satisfy the requirement of proof of immunization. A student can also satisfy the requirement by showing that he or she has started a schedule for immunizations. A student will then need to show that the immunizations were completed by the first day of school the following year. If you don't have proof of immunization for your child, then call the local public health department.

IV. Enrolling Homeless Children and Youth

McKinney-Vento Act helps homeless families

The McKinney-Vento Homeless Assistance Act is the federal law that protects homeless students.

What if I don't yet have all of the paperwork for my child because we are homeless?

Enroll the student right away even if you don't have everything you think you need.

Schools are required by state and federal law to take steps to help enroll homeless students. The McKinney-Vento Homeless Assistance Act is the federal law that protects homeless students. Under the McKinney-Vento Act, a student is homeless if he or she:

- Lacks a fixed, regular, and adequate nighttime residence
- Lives in shared housing due to loss or hardship
- Lives in a hotel, motel, trailer home, campground, emergency or transitional shelter, is abandoned in a hospital, or is awaiting foster care
- Has a primary nighttime residence not designated or ordinarily used as a regular sleeping accommodation
- Lives in a car, park, public space, abandoned building, substandard housing, or a bus or train station
- Is an unaccompanied youth, i.e. not living with his or her parent or guardian
- Is a migrant child who qualifies as homeless because of his or her living situation.

Schools must give homeless students special protections, such as:

- Waiving the requirement for parental signatures
- Arranging for vaccinations at community clinics instead of requiring a written record of immunization
- Enrolling a homeless student or a student without any legal residence
- Allowing a homeless youth to stay in his or her prior school or move to a new school and provide transportation even if it is not usually made available by the school.

Don't delay enrolling your child because you don't know something or lack some paperwork. Take your child to the school and fill out as much of the paperwork as possible. Explain the reasons for any missing documents or information. Ask that your child be enrolled right away and make arrangements for providing additional paperwork if it can be obtained later.

If you have a problem enrolling your child, look at the school district's policies and contact the Office of the Superintendent of Public Instruction (OSPI). You can also contact the McKinney-Vento Homeless Liaison in the school district- every district has one.

All districts should have a grievance policy. Consider filing a grievance if a school is not responding, is very slow in acting, or is not following its own or OSPI's policies.

V. Where to Enroll?

Attending school in a district other than where your child lives

If a student wants to attend a district other than his or her home district, the student must get permission from the home district to be released AND be approved for admission by the new district.

What is considered my child's "resident" district?

Where he or she lives most of the time.

A school district must enroll any student of school age who resides in that district. A student's "residence" is defined as the location where the student lives the majority of the time. This may be different from the student's mailing address or different from his or her parent's address, and the student may be a "resident" of a district even if he or she has no mailing address at all.

So, for example,

If a student stays with his aunt four of the seven nights in a week, that's a majority of the time. The school district where the aunt's house is located is the student's district.

No proof of residency is required for enrollment, but if you anticipate any problems, consider providing copies of any documents that support your claim of residency.

Can my child attend school in a district other than the one in which he or she resides?

Yes, but both the "resident" and "non-resident" districts must agree.

If a student wants to attend a district other than his or her home district, the student must get permission from the home district to be released AND be approved for admission by the new district. Home districts usually allow students to transfer to another district. On the other hand, districts don't always admit non-resident students.

All districts must have a written, non-discriminatory policy about whether to admit non-resident students. A district may refuse to enroll students who do not live within its boundaries. For example, a district can deny non-resident students admission if those students are serving a suspension or expulsion from their home district, all the classes in the district are full, or it's the middle or end of the semester.

If either the resident or non-resident school district refuses the student's transfer, the student can appeal the denial to OSPI. You should request and review the non-resident district's enrollment policies for such situations.

Keep in mind that there are special considerations regarding readmission of students who have been suspended or expelled from either their resident district or a non-resident district.

What school within the district will my child attend?

For the most part, the district will decide, but there are guidelines that the district must follow.

School districts may draw lines within their boundaries to determine which school a student will attend. In addition, a district may use

other criteria to determine what is a home school” for a student. Some schools allow open enrollment in any of the district’s schools; others allow transfers between schools only for special circumstances or needs. If you want your student to attend a school other than the one to which he or she is assigned, request the district’s policies and forms for enrollment in another school within the same district.

VI. Attendance

Unexcused Absences

Look to school or district attendance policies for a definition.

If the district does not have a definition of unexcused absences, then unexcused absence means the student was absent “the majority of the day.”

Make sure your child provides the school with a note for absences due to illness, doctor’s appointment or other appointments.

Do all children and youth have to go to school?

Yes, but there are several exceptions to this rule.

All children ages 8 through 17 must attend school in the district where they live unless excused for one of the following reasons:

1. They are in an approved private, home-school, or other education program.
2. They are at least 16, lawfully employed, are either emancipated or have parental permission, *and* have already met graduation requirements or received a certificate of educational competence.
3. They are excused from attendance by the Superintendent of the district in which they reside because they are physically or mentally unable to attend school, are incarcerated in an adult facility, or are attending a DSHS residential school.
4. They are temporarily excused upon the request of their parents for purposes agreed upon by school authorities and the parents.

If a child ages 6 or 7 attends school, the same attendance rules apply unless the child is formally removed from enrollment.

What is truancy?

A student is considered to be truant if he or she has any unexcused absences, or a number of unexcused tardies. Each school or school district’s policy may be different, so be sure to check your local school rules to see what it means to have an unexcused absence. If a student’s unexcused absences reach a certain number, the school can take various steps to help the student return to school. One of these actions includes taking the student to juvenile court (see below for more information).

There are also many things you can do if your child starts missing school. First, find out if your school district has any opportunities for students who have missed school or need extra help to be more successful in school. Credit retrieval programs, after school tutoring, homework clubs, summer school, vocational programs, or special transportation services may be available to help your child get caught up or become more interested in school. Also, make sure you are in contact with the school about your child’s absences. An open dialogue with the school can lead to many creative solutions to address your child’s absences at an early stage.

Can my child be disciplined or suspended for non-attendance?

Some school district policies allow for the suspension or expulsion of a student for excessive unexcused absences. While students may be disciplined at school for unexcused absences, they cannot be suspended or expelled for having unexcused absences unless the

Advocacy Tip

What is a disability and what laws apply to students with disabilities?

The Individuals with Disabilities Education Act (the “IDEA”) and Section 504 of the Rehabilitation Act of 1973 (“Section 504”), protect the rights of students with disabilities and give them and their parents ways they can enforce these rights. The term disability describes a mental, physical, or emotional impairment that interferes with a student’s ability to learn.



school can show that it took several steps to try to help the student’s absences before it imposed the school discipline.

To be able to suspend or expel a student for excessive unexcused absences, the school must first have imposed lesser discipline, and must show that the school:

- ✓ Gave the parent or guardian written notice of the student’s absences in the primary language of the parent
- ✓ Scheduled a conference with the parent at a time and place that is convenient to the parent to discuss the student’s absences and determine whether the student should be evaluated for special education services or another special program or services and
- ✓ Took steps to reduce or eliminate absences.

What if my child has disabilities or is in special education and also has unexcused absences?

A student’s attendance problems may be due to a number of things. Students with disabilities may struggle with attendance for reasons related to their disability. If the school has not addressed absences related to a student’s disability, then taking the student to court for a truancy matter may not be an appropriate solution or approach to solve the student’s problems with attending school.

If your child appears to have a disability that has not yet been identified or addressed by the school and that may be related to the unexcused absences, it might be necessary to make a referral for a special education evaluation. See the Office of the Education Ombudsman’s publication *Protecting the Educational Rights of Students with Disabilities* for more information about the definition of disability in a school setting and to learn more about how to make a referral for special education services.

If your child is currently receiving special education services that are not appropriate, you may be able to show a connection between your child’s unexcused absences and problems with your child’s special education program. Problems with a student’s special education plan that may have an effect on his or her ability to go to school include:

- A student’s IEP is out of date
- A student has not received a three year re-evaluation
- The student’s class schedule or school placement is inappropriate.

You and your child can try to work with the school to improve your child’s special education program before the school takes any other steps, such as disciplining your child or taking him or her to truancy court.

What is the “Becca Bill?”

The “Becca Bill” is a Washington State law that was enacted in 1996 to help families in obtaining services for at-risk youth.

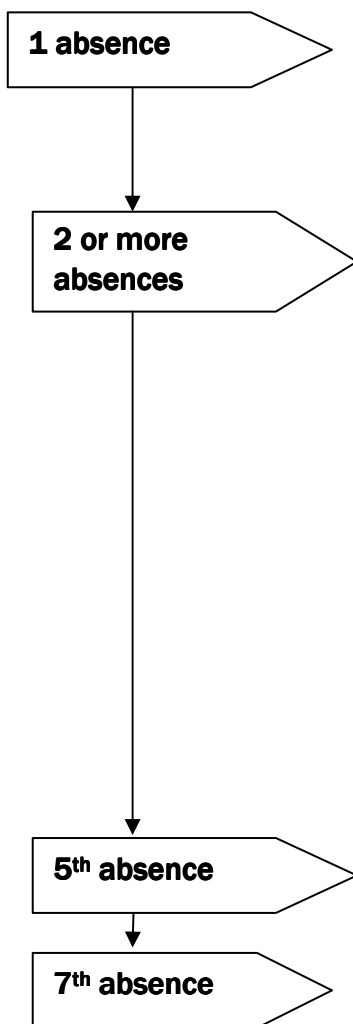
The laws about truancy are part of the Becca Bill. The Becca Bill spells out what schools and the court may do when a student starts to have a number of unexcused absences. The laws on truancy describe a range of strategies, including court intervention. The intent of the law is to use court intervention as a last resort after all other attempts to address the student's truancy have failed.

If my child has unexcused absences, does the school have to do anything before taking my child to juvenile court?

Yes. The school must look carefully at why a student is having problems getting to school. The truancy law requires schools to take steps to address the problems that are causing the student's truancy.

A school is required by law to:

1. Tell the custodial parent, parents or guardian in writing or by telephone whenever there has been **even one** unexcused absence.
2. Call a meeting with the custodial parent, parents, or guardian and the student at a time that is convenient for everyone whenever there have been **two or more unexcused absences**. The purpose of the meeting is to figure out what is causing the students absences, and to discuss ways to address and prevent these absences from occurring.
3. Take steps to stop the absences, or at least reduce the number of absences. The steps are to include:
 - Providing more individualized instruction or other help to catch up in school
 - Adjusting or changing the student's schedule
 - Providing vocational courses or work experience
 - Sending the student to a truancy board, if available in your area
 - Requiring the student to attend an alternative school
 - Helping the family obtain services that might address the cause of the absences.
4. At no later than the **fifth unexcused absence**, the district must enter into an agreement with the student and parent that establishes school attendance requirements.
5. At no later than the **seventh unexcused absence** during any month, or tenth unexcused absence within the school year, the school district must file a truancy case in juvenile court.



Where you can have an impact

Make sure the school is taking steps to address the reasons that your child is skipping school. Offer creative suggestions about what the school could do to help the situation.

Respond promptly when the school notifies you of an unexcused absence.

Follow the district rules for informing the school about excused absences.



Be sure to read the truancy petition carefully and note any important dates and deadlines.

If there is reason to suspect that your child has a disability, he or she should be referred for a special education evaluation. See the Office of the Education Ombudsman's publication about *Protecting the Educational Rights of Students with Disabilities* for information on special education and how to make a referral for your child to be tested to see if he or she has a disability. If the school contacts you about your child's absences, ask in writing that the school assist you by identifying and responding appropriately to the underlying causes of your child's absences.

What is a truancy petition?

A truancy petition is a formal legal document that the school district must file in juvenile court when a student reaches a certain number of unexcused absences. **The filing of a truancy petition begins the process to ask the court to intervene and take over the supervision of a student who is missing a lot of school.** Both a student and/or his or her parent or guardian can be named on a truancy petition.

The school must also provide the following information in a truancy petition:

- ✓ Allegations that the student had unexcused absences during the school year
- ✓ A statement that the school district took actions to reduce the amount of absences the student had from school, but those actions have been unsuccessful
- ✓ An indication that the school district feels the court's intervention and supervision are necessary to assist the school district or the parent to reduce the student's absences from school
- ✓ The name, birth date, address, gender, race or ethnicity of the student
- ✓ The name of the school the student attends
- ✓ The name and address of the student's parent(s) or guardian(s).

How will I know if a truancy petition has been filed?

The school must deliver the truancy petition to a student either by certified mail with return receipt or by in person delivery. The school must also deliver the petition to the student's parents if they are also named on the petition. Be sure to read the truancy petition carefully and note any important dates and deadlines.

What happens after a truancy petition is filed?

A truancy petition could be resolved in several different ways. How it is resolved depends on many different factors, including whether the student, parent and school district can come to an agreed upon plan to reduce future absences. The following are some examples of how a truancy petition could be resolved:

1. You and the school could agree on a strategy to reduce absences and the court could dismiss the petition without

Resolving Truancy

You may be able to resolve the situation by working with the school outside of the court system. If you receive a truancy petition in the mail, call the school and talk to school staff about your willingness to address your child's unexcused absences at the school level.



2. Your child's case could be referred to a community truancy board, if available in your community. The community truancy board can enter into an agreement with your child and recommend methods for improving your child's attendance.
3. You and the school could agree that your child was absent and come up with a plan that gets turned into a court order that your child must follow.
4. You could disagree with the school and ask for a fact finding hearing in front of a judge, and
 - a. A judge could find your child truant and enter an order requiring your child and his or her parents to follow the court order.
 - b. A judge could find that your child was not truant and dismiss the case.

If I receive a truancy petition in the mail, is there any way to solve the problem without going to court?

Make sure to read the truancy petition carefully and note the dates and deadlines that you must meet. Then, contact the school to discuss your child's absences.

In some cases, you may be able to resolve the situation by working with the school outside of the court system. If you receive a truancy petition in the mail, call the school and talk to school staff about your willingness to address your child's unexcused absences at the school level.

- It may be possible to delay or end a truancy case if you and your child try to work with the school on addressing the causes of your child's absences.
- Check to see that the school has fulfilled its obligations to discuss your child's absences with you and your child.
- Request that the school continue to work with your child to address the causes of his or her absences by discussing what your child is studying, school placement, schedule changes, concerns your child may have, or any other unmet needs your child may have that are contributing to his or her absences.

What is a truancy fact-finding hearing?

A fact finding hearing is a court meeting that is like a trial. A juvenile court judge or commissioner hears evidence from the school district about the student's absences and the steps that the school took to reduce the student's absences. At a fact-finding hearing, the student and parent have a chance to challenge the district's request to find the student truant. The student and parent could dispute the absences, explain why they were not unexcused, and verify whether the school provided any help to reduce the absences.

If the judge decides that the absences were unexcused, and that the school has met its duty to take steps to reduce the absences, then the judge will enter an order requiring the student to go to school and possibly follow other conditions. If the judge decides that there were not unexcused absences, or that the school has not met its duty to take steps to reduce the student's absences, then the judge may continue (or postpone) the hearing to another date and ask the school or the student and his or her parents to follow certain duties in the interim. The judge could also dismiss, or end, the truancy case.

Truancy Order

A truancy order is a court document that is signed by a judge and brings the student and possibly the student's parent under the supervision of juvenile court.

An order usually contains findings that the child was truant and instructions for the child and/or his parents to follow the order.

A fact-finding hearing may be scheduled because 1) you and your child requested it, or 2) you and your child received notice that you need to appear in court for a fact-finding hearing.

What is a truancy order?

A truancy order is a court document that is signed by a judge and brings the student and possibly the student's parent under the supervision of juvenile court. An order usually contains findings that the child was truant and instructions for the child and/or his parents to follow the order. A truancy order requires the student to attend school and to follow other conditions that the judge thinks are necessary to ensure the student attends school. The school district will also be required to report any additional unexcused absences to the juvenile court. Parents may also be ordered to comply with certain conditions if they are named as parties in the truancy case.

There are different ways that a truancy order could be put in place. A truancy order could be entered by a judge in juvenile court after the fact-finding hearing if the judge decides that the allegations in the truancy petition are true. A truancy order could be entered after agreement between the district, student and parents. A judge could also enter a truancy order against a student even if the student or parent doesn't show up at court for the hearing.

If a truancy order is entered, review the order carefully with your child. If the conditions listed in the order are not followed, the school can take you and/or your child back into court because the order was not followed. This is called a contempt hearing (see below for more information).

What if the school tries to have my child sign an agreed truancy order?

An agreed truancy order means that the school requests that you and your child sign a document that states that your child has unexcused absences and needs to be supervised by the juvenile court to help reduce his or her unexcused absences. Agreed orders can be signed at the school, in meetings, or in the courthouse. If you sign an agreed truancy order, you and your child will not have an opportunity to go before a judge to determine whether your child had unexcused absences and whether the school took necessary steps to reduce your child's absences.

Possible Consequences of Truancy Court Involvement

Truancy court is intended to be the last resort for a school or parent who has tried to help a student decrease their number of unexcused absences. Involvement in truancy court is intended to help encourage the student to attend school regularly. However, the court is limited in what it can order or provide for a student. Parents and youth need to be aware that involvement in truancy court is a serious matter that can have significant consequences, such as:

- Additional missed school when the student has to go to court
- Hours of work missed by the parent when he or she has to go to court
- Consequences for any unexcused absence, tardy or school discipline
- Additional requirements that need to be completed beyond going to school and doing school work
- Spending time in detention with youth who may be involved in delinquent activity.

An agreed truancy order has the same effect as an order entered by a juvenile court judge. You and your child must follow the requirements in the agreed truancy order, or risk being brought back to court.

You and your child are not required to sign an agreed truancy order. You and your child have a right to request a fact finding hearing in front of a judge in juvenile court in order to disagree with the school district that your child should be found truant and in need of supervision by the juvenile court. You and your child also have the right to consult with an attorney if your child is facing a truancy petition.

What is a truancy contempt hearing?

A contempt hearing is what happens if a student does not follow an order in a truancy case.

If the student fails to obey the judge's order, then he or she can be found "in contempt of court." The judge has authority to put the student in detention for up to seven days or impose other kinds of conditions to make the student obey the order. Sometimes those conditions are called "sanctions." Some courts in Washington use tasks such as writing an essay, community service, or an alternative program in detention as a sanction.

When a student is sanctioned with detention, he or she must be given an opportunity to "purge" his or her sanction right away. A purge means that a student has to do a specific task in order to be free of the court's finding that they are in contempt of court. A purge usually is in the form of an essay, letter, or budget sheet. A judge is supposed to review the purge within the next business day after it is completed and turned in. The student should be released once a judge determines that he or she has satisfied the conditions of the purge. If the student does not complete the purge, he or she will remain in detention for the full amount of time that the judge ordered as a sanction for being in contempt of the truancy order. If the student continues to violate the court order by not attending school, the consequences will become increasingly serious.

A parent, guardian or other legal custodian can be fined up to \$25 a day for a student's absence from school in violation of a truancy order.

Example:

Sarah is a tenth grader who signed an agreed truancy order three months ago at her school. The agreed truancy order told her to attend school each day, and provide a doctor's note for any excused absence. Over the past month, Sarah had missed her first two classes of the day a few times a week because her mother left for work before she woke up, causing her to oversleep and miss the school bus. Sarah was called into juvenile court for being in contempt of her truancy order for missing several days of her first two classes. A judge found that she was in contempt of her truancy order. As her sanction, she was ordered to find a new alarm clock and create a two page educational plan that described how she was



going to make up the work she missed from her absences in the first two classes. Sarah was told she had to complete her plan and be ready to give it to the court within two weeks to purge out of contempt.

Will my child get a lawyer in truancy court?

A student and parent can be represented by a lawyer in a truancy matter. Because there is a lot at stake at a truancy fact-finding hearing, obtaining legal advice or representation may be very useful for a student or his or her parent or guardian. However, a student will not automatically be appointed a lawyer to represent him or her at the fact-finding hearing.

If a student is brought into court for a contempt hearing because he or she is alleged to have violated the truancy order, the court will appoint a lawyer to represent the student in the contempt hearing.

How long does a truancy order last?

The truancy law states that a truancy order must be in effect until at least the end of the school year when the order was entered. The court has the ability to keep the case open for as long as the court feels it is necessary to help the student attend school before he or she turns eighteen and is no longer subject to Washington's required education law.

What happens to the truancy case if my child changes school districts?

A truancy order is established between the school district that a student attends and the student. If a student changes schools within the district, the truancy order will remain in effect. If a student moves to another school district, the truancy order will be transferred to the new school district only if the parent or the previous school district requests that the case be transferred.

There are no clear established methods that describe how a school district or a parent/guardian may transfer a truancy case if the student changes school districts. Before requesting that your child's truancy case be transferred to his or her new school district, think carefully about whether or not the truancy case is helping to address and resolve your child's unexcused absences. Because there are potentially serious ramifications to your child's involvement in truancy court, consider consulting an attorney before you request that the truancy case be transferred.

What happens if my child misses twenty consecutive days of school?

The school district cannot count your child as an enrolled student for the purpose of receiving funding for him or her.

School districts receive money from the state for every student who is enrolled in the district. There are laws that govern when school districts can receive state funding for a particular student. The law

says that school districts cannot count a student as enrolled and collect funding for that student if the student's absences exceed twenty school days. However, the student can be counted as an enrolled student as soon as he or she begins attending again.

Some school districts will tell a student that he or she has been disenrolled from the district if his or her absences exceed twenty school days. School districts may also make it difficult for a student to re-enroll after disenrollment due to absences. If your child wants to return to school and experiences difficulty doing so, talk to the school principal, the superintendent, or an advocate if necessary. It is really important for students to continue their education and students may need the help of an adult to return to school smoothly.

VII. Home Schooling

Can my child be home-schooled?

Yes. A qualified parent or guardian can provide home-based instruction.

Washington law permits parents to provide their children with “home-based instruction.” This is generally known as “home-schooling” and is entirely legal. There are many support groups and organizations willing to assist families wishing to do home-based instruction. Parents and guardians have some special duties when they decide to home-school a child to make up for the fact that a child who is home-schooled does not have to follow the requirements for school attendance.

How does the school know if my child is being home-schooled?

You must notify the school district.

The local school district is the district in which the student lives most of the time. The parent’s notice to the school needs to include a statement from the parents that they plan to provide home-based instruction, the name and age of the child, and who will be providing instruction. This form is called a “Declaration of Intent.” You can get the form from the school district.

How does my child’s progress get reported if he or she is home-schooled?

You need to keep records of your child’s instruction.

The records include immunization records. Records do not have to be anything formal and can be as simple as the student’s work kept in a notebook.

How is my home-schooled child assessed every year?

You must make sure that your child either takes a yearly standardized test, or has an annual assessment of his or her progress.

The “assessment” must be done by a certificated person who is currently working in the field of education. A certificated person is someone who is a licensed teacher in Washington. The licensed teacher must meet with the student once a year and figure out whether they are making progress. The teacher does not have to be a regular school employee. You can find people who will do assessments through home-schooling support groups.

Home-schooled students do not have to participate in any state required testing, like the WASL. They can, if they wish, participate in taking state required tests.



Advocacy Tip

School staff may not always be familiar with the home-schooling laws and may not provide you with complete or accurate information. The school district may not support your decision to home-school and requirements may vary from district to district. If you are committed to home-schooling your child, seek the support of other parents and community groups. Be persistent!

At what age and for how long can my child be home-schooled?

Students are not required to start home-based instruction or file a Declaration of Intent until they are 8 years old. Students who are under the age of 8 do not have to enroll in school or file a Declaration of Intent. Students who are sixteen years old or older can end home-based instruction, if they are regularly employed and their parent or guardian agrees. Once the student has a Declaration of Intent on file, the parent takes on the responsibility to provide instruction. A student can't just stop going to school, though, and say they are "home-schooled" without doing the work. If the student files the Declaration of Intent, the student must show that he or she meets the home-schooling requirements.

What kind of formal curriculum is required for my child if he or she is home-schooled?

Home-based instruction follows the same requirements for public and private schools: 180 days of instruction per year.

Instructional time is supposed to include the following:

- Occupational education
- Science
- Math
- Language
- Social studies
- History
- Health
- Reading
- Writing
- Spelling
- Art & music appreciation.

How many hours per day of instruction are required for home-schooled students?

The law requires students in school to receive six hours of instruction per school day; home-schooling students need to show they have done the equivalent of the six-hour day. The legislature realized that home-based instruction would necessarily be less structured and more experience-based than classroom instruction, and provided for liberal construction of the curriculum and instruction requirements in the home-schooling law.

This means that "hours of instruction" could include activities like going to a musical performance or museum. "Hours of instruction" doesn't necessarily mean that a student listen to a lecture or do lessons from a workbook.

Who can provide home-based instruction?

There are several ways a parent or guardian can home-school a student. A parent/guardian who has earned 45 college credits can automatically qualify as a home-schooling instructor.

If the parent or guardian does not have credits, he or she can:

- (1) Take a parent qualifying course. These courses are provided by community colleges and online
- (2) Contact the school district. The district can provide a supervising teacher to meet with the student weekly or
- (3) Contact the local superintendent. The superintendent can decide whether a parent is “sufficiently qualified.”

There aren’t any regulations that explain who is “sufficiently qualified.” A parent or guardian can show qualifications by providing a planned course of study to district officials and an explanation about how requirements will be met. Contact the district where you live to find out their requirements.

If my child is home-schooled, can he or she attend school part-time?

Yes.

Students participating in home-based instruction can enroll in their local school as a part-time student. Again, school districts may not know about this possibility and may not provide information about it. School districts must permit part-time enrollment of home-schooled students, as long as the requirements for home-schooling are met, including the filing of a Declaration of Intent. A home-schooled student who wants to enroll part time can enroll and take classes following the same procedures as all other students.

If my child is home-schooled and enrolled part time, can he or she attend the classes he or she wants?

Yes.

Students can enroll on a part-time basis and take the classes they are interested in, subject to availability. For example, if a high school allows enrollment in a particular art class on a first come, first serve basis, a home-schooled student can enroll in the art class and will be treated like all other students in terms of whether he or she is accepted into the class. Similarly, students can receive any of the services a full-time student would receive, just as a part-time student. If, for example, a student is entitled to special education services, that student can enroll part-time, and continue to home-school part-time. The student would then receive special education services on a part-time basis, and the full spectrum of special education services available to full-time students would also be available to him or her. If students want to participate in extracurricular activities, districts are required to allow this as well.

Schools districts vary in their treatment of home-schooled students and may discourage home-schooled students from attending classes at the school level. If you need help advocating with a school district, try getting help from a home-schooling support group or from the Office of the Superintendent of Public Instruction.

Can my child attend college or other post-secondary school if he or she is home-schooled?

Home-schooled students are readily admitted to colleges and universities. Colleges and universities do not necessarily require a diploma, but may require some kind of record when a home-schooled student applies, generally a home-school transcript, that shows the student has completed a high school course of study. With a documented course of study for high school (4,320 hours of instruction), the compulsory education high school requirements are complete. There are organizations that will help prepare a home school transcript for a college application. Contact the Washington Homeschool Organization (“WHO”) for help at (425) 251-0439 or www.washhomeschool.org.



For example, the University of Washington requires home-schooled applicants to present a transcript that includes course titles for each course studied, and prefers a “nationally recognized home-schooled curriculum.” Students also must provide “validation” that they have completed coursework by submitting standardized test results in English, Math, Science, and Foreign Language. The tests can include SAT, ACT, Advanced Placement tests, or International Baccalaureate exams.

Admission Tests

Home-schooled students will need to take any admission tests required for community college and universities, such as the SAT and ACT. The admission requirements vary, depending on the community college or university. See the later section in this publication on college admission tests for more information.

Are there alternatives to high school and home-schooling for older students who don't want a traditional public high school experience?

Students can explore other ways to obtain an education besides a traditional four-year high school or home-schooling.

1. Alternative Education Programs

Many school districts offer alternative education programs. These can provide a more structured setting for students who are not interested in home-schooling, but who do not want a formal classroom environment. Students participating in home-based instruction can also enroll in alternative education programs on a part-time basis.

Some school districts offer alternative education programs that are specifically targeted to home-schoolers. These programs may require actual enrollment in the school in order to participate and have varying levels of oversight, depending on the school district.

Where you can have an impact:

Teach your child how to start advocating for him or herself. Model ways of asking for help and explaining needs and goals. Prepare your child for taking initiative in educational and life planning. Your child can learn these important skills with your guidance.

2. On-Line Schools

Many school districts are offering “virtual academies,” which provide curriculum and instruction to enrolled students through the Internet. Students are officially “enrolled” in these schools, and are subject to supervision by teachers employed by the on-line school. On-line schools provide an official transcript and are just like attending a traditional public school program, except that the work is done at home. On-line schools typically do not offer part-time enrollment, unless you live in the school district where they are physically located. The on-line schools receive funding from the state based upon the number of students enrolled, just like traditional public schools.

3. Running Start

Students who want to begin career and college preparation without completing coursework in a traditional public high school can enroll in Running Start. This program allows high school juniors and seniors, including students who have completed the requirements through home-based instruction, to enroll in community college and technical programs. Each college and technical school should have a Running Start coordinator who can explain how to enroll. Students must typically pass certain tests to qualify for Running Start. Contact the community college you are interested in for specific details.

4. High School Completion

Community colleges also provide high school completion programs to students between the ages of 16-20, where students can learn job skills and finish their high school course of study. Again, each community college can explain its high school completion program in detail.

5. Vocational/Technical High School

The vocational/technical high schools are another option for students who want to get to work and also obtain a high school diploma. Some of these programs offer high school completion classes and all permit enrollment with the Running Start program.

VIII. Student Rights and Responsibilities

What are students' basic rights and responsibilities?

1. Student rights

A student has a basic right to an **equal educational opportunity**, which cannot be taken away

- (i) on the basis of unlawful discrimination or
- (ii) without **due process of law**.

In this case, "due process of law" means that when a student faces losing the opportunity to go to school, he or she must be given notice and a chance to dispute the loss of that right.

Students also have rights of **free speech, assembly** (gathering with others), and free exercise of **religion**. All of these rights are subject to reasonable limits on the time, place, and manner of the activity.

Students also have the right not to have themselves or their possessions unreasonably searched or taken. But this does not mean that students can never be searched. Nor does it mean their possessions can't be taken. In order for the school staff to conduct a search of students or their belongings, the staff must have a "reasonable suspicion" that a violation of law or policy is taking place. This legal standard is less strict than what a police officer needs to know before searching someone. School lockers can be searched at any time, without any particular suspicion that something illegal is happening.

Strip or body cavity searches of students by school staff are never allowed.

2. Student responsibilities

A student's basic responsibilities are to attend school regularly, follow the rules and regulations established by state agencies and the school district, pursue the required course of study, and submit to the authority and punishment of teachers and administrators. Schools have a lot of freedom in deciding what, in any situation, makes an appropriate environment for learning.

What are the special protections and programs for students who have disabilities, are involved with the juvenile court system, pregnant, homeless, migrant, non-English speaking, or Native American?

1. Programs and services for students with disabilities

Schools have a duty to identify and provide special education and related services to students with disabilities who qualify for such services. If a student already qualifies for special education services and has a current Individualized Education Program (IEP) written by his or her previous school district (or detention school), then the

Due process of law

"Due process of law" means that when a student faces losing the opportunity to go to school, he or she must be given notice and a chance to dispute the loss of that right.

school district to which he or she seeks admission must immediately honor the existing IEP and provide the placement and services stated in the IEP. See the Office of the Education Ombudsman's publication *Protecting the Educational Rights of Students with Disabilities* for a more in-depth discussion about special education.

A district may also be required to "reasonably accommodate" a student's disabilities even though the student is not in need of specialized instruction.

Students in grades K through 9 who have learning difficulties but who are not considered eligible for special education services may be eligible for special programs designed to enhance their learning opportunities, under the Learning Assistance Program (LAP).

2. Students who are pregnant

Under state and federal law, pregnancy is generally considered to be a disability requiring accommodations.

Pregnant students cannot be denied access to education on the basis of their pregnancy.

3. Programs for homeless, migrant, bilingual, and Native American students

In addition to the federally funded, free or reduced-cost school lunch and breakfast programs, schools receive federal money to provide special programs and services to children who are homeless, migrant, needing bilingual instruction, or Native American. OSPI offers a separate citizen's complaint procedure for such federally funded programs.

4. Students involved in the juvenile justice system

Some school districts are reluctant to enroll immediately or place in general education classrooms a student who is facing juvenile offender charges or who is on probation or parole from such charges. The general rule is that:

[N]o student may be denied an equal educational opportunity...because of national origin, race, religion, economic status, sex, pregnancy, marital status, previous arrest, previous incarceration, or a physical, mental, or sensory handicap.

The only exceptions to this rule authorized by the Legislature are that a student *convicted* of a violent offense against a teacher or another student may not be placed in the same class as his/her victim, and that a student convicted of a sex offense against another student may not attend the same school as his/her victim or the victim's siblings (who are also notified of the offender's release from detention).

Schools and juvenile authorities are generally authorized to share and exchange their records about a student who is a juvenile offender, but they are generally not authorized to disclose these shared records to others.

If a school tells you that all youth released from juvenile detention must be enrolled in a special program, ask for information about the program's curriculum and compare it with the basic education offered in the district's regular schools. If there is a meaningful difference in the programs that matters to the student, consider filing a grievance with the school district or a discrimination complaint, and contact an advocacy organization.

IX. Educational Opportunities for Students 18 to 21

Can my child who is turning 18 still get an education?

Yes!

Young people have a right to educational services until they are 21. These services can be provided in a regular high school, an alternative high school, a GED program, or a high school completion program at a local community college.



Do students ages 18 to 21 have to pay for their public school education?

No!

Because students have a right to education until they are 21, the services must be free if they have not completed their high school education. Even after young adults turn 21, Washington State law requires that opportunities for educational advancement be available to those who do not have a high school diploma or certificate.

What is a GED and is it the same as a high school diploma?

The General Educational Development Test (GED) is not the same as a high school diploma, but it can provide some good options for a young person.

The GED is a set of tests designed to measure skills and knowledge normally gained in four years of high school.

Passing the GED is not exactly the same as getting a high school diploma, although it is sometimes an excellent option for students. Keep in mind that some employers, colleges, and universities will not admit applicants unless they have a high school diploma. Other colleges and employers treat a GED the same as a diploma. If a young person is considering taking the GED, find out whether it will be accepted by the kind of employers or post-secondary schools in which he or she is interested. Students under age 21 have the option of returning to school to seek a diploma after earning a GED.

Students with disabilities can apply for special accommodations such as extra time for the test or having questions on the test read to them. Ask at GED testing centers how to apply for accommodations.

X. Vocational Opportunities

What kind of vocational training is available for young adults?

Vocational training is available:

- At local community colleges and technical schools
- At private schools
- In public high schools or occupational skill centers.



Where you can have an impact

Sometimes the best vocational education is work experience. Help your child find a job in the summer, or if appropriate, part-time work during the school year. Provide encouragement and rewards for working. Help arrange job shadowing. Look for mentors in the community. Assign jobs at home and give an allowance.

For example, a student might attend classes at a community college to learn a trade like welding or auto repair. Many private agencies train young people in office skills or computer programming. Some school districts offer special programs that allow students to earn their high school credit or a GED while getting vocational training. These programs may cost money, but there is sometimes financial aid available.

Also, contact the U.S. Department of Labor and Washington Employment Security Commission to find out about programs in your community. They make grants to organizations that provide vocational training to young people. JobCorps is a federal program that provides vocational and educational services in a residential setting for young adults.

If students have disabilities, they may have access to additional services. The Division of Vocational Rehabilitation (DVR) works with individuals with disabilities who need help getting and maintaining employment. Often DVR will not want to be involved until the school district's obligation to provide transition services has ended. But there is nothing to prevent DVR from assisting with the school district services, and young adults who have left school are entitled to support from DVR. DVR might provide an independent living skills instructor to work with a youth, do an assessment of vocational training needs, or help an individual find supported employment.

Similar kinds of services should also be available from the Division of Developmental Disabilities or a community mental health agency. If a person's mental health or developmental disability influences his or her ability to work, he or she can apply for services and request support from his or her case manager.

XI. Education After High School

What should my child do if he or she wants to prepare for education after high school?

There are four important steps:

- Step 1** Start early
- Step 2** Set some goals and make a plan
- Step 3** Take college entry tests and classes required for admission
- Step 4** Research financial aid and other scholarships

Where you can have an impact

Planning Ahead

Help your child gather information, and encourage his or her interest in continuing education after high school. Start planning and preparing early in high school! Introduce your child to college students and recent graduates to help them find out what post-secondary education is like. Help identify the college entry tests and classes that help prepare for those tests.

1. Starting early

The most important thing to do to prepare for education after high school is to start early. Applications to 4-year colleges are generally due in the fall of senior year, so students interested in attending college should start thinking seriously in their junior year about where they would like to apply. Another reason to start early is that there may be course requirements for entry into some colleges. Find out what classes are needed. Ask the guidance counselor at the high school for information about colleges, and call colleges directly to request materials about their programs. Applications are generally quite time consuming. They require lots of work, including getting recommendations from teachers, writing essays, and collecting school records.

2. Setting goals

Encourage your child to talk with family, guidance counselors, friends, neighbors, and role models. Explore career and future goals. Determine what additional schooling may be needed. Make a plan for post-high school education.

3. Taking college entrance exams

Starting early will also give your child time to prepare for college entry tests like the Scholastic Aptitude Test (SAT) or the American College Testing (ACT) Assessment. These tests are usually taken in your child's junior year, and there are private agencies that provide test preparation classes to help students be successful. A student planning to take the SAT or ACT should strongly consider taking a preparation class. Sometimes the agencies have financial aid for students.

Community colleges have a less difficult application process than most 4-year colleges and universities. Check with the community college to find out the minimum requirements for admission. Some community colleges do not require a high school diploma for admission. Also, students do not have to take an entry test to enroll in most community colleges. Finally, community colleges admit students on a continuous basis, so an application can be made at

anytime, and students can start at the beginning of the next term. Some community colleges offer GED or high school completion classes. They may be free, with the credits applying toward college graduation.

4. Obtaining financial aid for college

What if your child needs help with tuition? Both 4-year colleges and community colleges have financial aid offices. Contact the financial aid office, and request applications for help. Generally, the kinds of aid available include state or federally subsidized loans, grants, or work-study (a part-time job provided by the school the student attends). As with applying for admission, applying for financial aid should start well before the student finishes high school. There are also opportunities for school-sponsored and private scholarships. Ask the financial aid office for information on scholarships and loans. Or, go to the local library and ask for reference books on college scholarships. The internet is also a source of information about scholarship opportunities.

XII. Conclusion

The authors of the Washington State Constitution recognized the importance of a full education for people who live in Washington. Many educational opportunities exist for students in Washington. Do what you can to ensure that children get the education they deserve.



XIII. Action Points – Basic Education Rights and Opportunities

If you feel that you are stuck trying to get help for your child, read this list for ideas about possible steps you can take to move things forward. **Remember, you can be a strong advocate for your child!**

- Pick up an “enrollment packet” from your local school district. It will contain necessary forms, etc., and help you in enrolling your child.
- If you have problems, request a copy of the district’s written enrollment or admissions policies. Review them to see if the district is following its own rules.
- Don’t delay! Get your child enrolled as quickly as possible, even if you do not remember your child’s entire education history or have all of the paper work needed.
- Identify any special characteristics or needs of your child in writing at the time of enrollment, and ask that the school inform you of all special programs or services for which the student might qualify.
- If your child is being treated differently because of race, gender, pregnancy, disability, or other reason, consider filing a complaint with the U.S. Department of Education or the Office of the Superintendent of Public Instruction.
- If your child wants to attend a school other than his or her “home school,” request the district’s policies and forms for enrollment in another school within the same district.
- If you think that your child may have unique needs, ask about special programs for which your child may qualify.
- Is the school delaying responding to a request? Consider filing a grievance under the district’s policies.
- If a school tells you that additional testing or an IEP must be done before allowing your child who lives in the district to start school, request a meeting with the Superintendent, file a grievance or seek assistance from an advocacy organization.
- If the school contacts you about your child being truant, ask the district in writing to assist you in identifying and responding appropriately to the underlying causes of these absences.

XIV. Key Terms – Basic Education Rights and Opportunities

contempt of court	Being in contempt of court means that a judge has found that someone has willfully violated the terms of an order to do or not do certain things. If an individual is found to be in contempt of truancy court, he or she needs to take actions to not be in contempt of court. (See sanctions and purge, below).
contempt hearing	The court hearing where a judge determines whether or not someone is in contempt of court.
day	In general, a day means a calendar day unless otherwise specified. “Calendar day” means all days, weekdays, and weekends. “School day” means any day, including a partial day, in which students are at school for instructional purposes. “Business day” means Monday through Friday, except for state and federal holidays. Note that in some cases, “business day” <i>includes</i> holidays. What is counted as a day is different under different laws. Be sure to check the definition section of whichever law governs your situation.
dismissed	A court case is dismissed when it ends, or goes away. When a case is dismissed, there is no longer any need for the case to continue. A judge or any party to the case can ask for a case to be dismissed. A court must approve the ending of a case.
due process of law	A legal concept that ensures that a person will be notified and have an opportunity to be heard before a public entity denies, reduces, or terminates a person's rights.
fact finding hearing	A fact finding hearing is a court hearing where a judge determines whether or not there is a legal basis for a case to be established against someone. In a truancy case, a fact finding hearing determines whether or not the student had unexcused absences, and whether or not the school district took the steps it had to take to help stop a student’s unexcused absences before sending the student to court.

purge	A purge is an action an individual must do once he or she has been found to have violated a court order, and is found to be in contempt of court. In truancy cases, a purge has to be a remedial measure that will help coerce the student to attend school. Examples of a purge in truancy cases are writing an essay on educational goals, community service, or job shadowing a professional for the day and writing an essay about their observations.
sanctions	A sanction is another word for punishment. If someone is found to be in violation of a court order, they may be given a sanction.
SAT or Scholastic Aptitude Test	Test taken by high school students and used by four-year colleges to make admissions decisions. Students usually take the test in their junior year of high school (11th grade).
School Board	The board of directors for a school district. The School Board manages the operation of the school district and has broad power to adopt policies and implement educational programs, activities and services.
school records	Records can include academic, attendance, discipline, special education, testing, or other information pertaining to a specific student. Federal law defines records to include anything that is recorded in any way, including, but not limited to, handwriting, print, tape, film, microfilm, and microfiche.
summons	To be called to court. To be summoned to court means that someone is being called by the court to appear at a certain date or time.
truancy petition	The initial paperwork that a school district has to submit to juvenile court which tells the court that the student has missed a certain number of school days, and lists the actions the district took to try to help the student return to school. The petition must be filed and completed by the school district before it can summon a student to juvenile court to see if the student should be ordered to go to school.

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Notes

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