

Truancy and school attendance

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Learn what happens when your child doesn't attend school and the school files a truancy action.

Do all children have to go to school?

Generally, yes. All children in Washington State between ages 8-18 must go to school. There are some exceptions to this.

Children don't have to go to public school if:

- They go to an approved private school.
- They're home schooled.
- They go to a certified education center devoted to teaching basic academic skills.
- The school superintendent has excused the child because they physically or mentally can't go to school.

Youth ages 16 and older don't have to go to school if:

- They're working lawfully and regularly, and the parent agrees they shouldn't have to go to school or they're emancipated.
- They've already met graduation requirements.
- They get a "certificate of educational competence" by meeting certain requirements, including passing the GED.

What about for children who are 6 or 7?

A parent or guardian can choose to enroll a 6- or 7-year old in school. If they do, the child must go regularly unless one of these is true:

- The school district has temporarily excused the student.

- The parent dis-enrolls the child before the district serves them with a truancy petition.
- The child goes to school part-time for supplemental services.

The COVID virus may continue to cause some students to miss school. School districts must continue to excuse learning absences if a student needs to quarantine and the district can't provide online instruction.

My child is missing school. What will the school district do?

It depends.

A child can miss school for a valid reason, such as illness. **Make sure you let the school know if your child is sick or has other good reason to miss school so it counts as an excused absence.**

The district may consider your child “truant” if your child has 7 or more unexcused absences in a month, or 15 unexcused absences in a school year. If the district finds your child truant, it can bring a truancy action in court against you and/or your child. But before the district can bring a truancy action, it must first:

- Let you know about your child’s unexcused absences
- Schedule a conference with you after 3 unexcused absences in a month
- Try to stop or reduce the absences

If your child misses a lot of school because of illness or disability, your child might qualify to get reasonable accommodations of their disability (<https://ospi.k12.wa.us/policy-funding/equity-and-civil-rights/information-families-civil-rights-washington-schools/section-504-students-disabilities>) outlined in a **504 Plan**. Your child might also qualify to get special education and an individualized education program (IEP) (<https://ospi.k12.wa.us/student-success/special-education/family-engagement-and-guidance/individualized-education-program-iep>). Ask the district to evaluate your child to see if they qualify for these services.

If your child has a temporary illness or disability that makes them miss school for at least 4 weeks, they might qualify for Home/Hospital

Instruction (<https://ospi.k12.wa.us/student-success/learning-alternatives/homehospital-instruction>)alternatives/homehospital-instruction).

How can the school help my child?

Ask for help if your child isn't going to school. Contact the principal or a teacher at your child's school. If you do nothing, the school may file a truancy action in court. If you ask for and don't get help, you can file a truancy action.

The school must find out why the child isn't coming to school and try to find a solution.

- **Example 1:** The child needs special education because of a disability. But the child isn't getting any special education, so the child is very discouraged and refuses to go to school. The district must provide appropriate special education and other services such as counseling, therapy, and medical services (for diagnosis or evaluation).
- **Example 2:** A child is afraid to go to school because another child is threatening, harassing, or bullying them (<https://ospi.k12.wa.us/student-success/health-safety/school-safety-center/harassment-intimidation-and-bullying-hib>). The district should develop a safety plan for the child who is being harassed.

What happens in a truancy action?

After the action is filed in court, but before you go to a court hearing, a **community engagement board** should get in touch with you and your child to try to help with the challenges keeping your child from going to school. If the community engagement board can't help, the court will schedule a hearing and let you know when the hearing will be.

What happens at a truancy court hearing can depend on the facts of your case. In general, the district must prove all of these:

- The student missed all the days the district claims the student missed.
- The absences were unexcused.
- The district has tried to end or reduce the absences.

As the parent or guardian, you must appear at all court hearings on the truancy. The judge will let you:

- Tell your side of the story.
- Challenge the district's claims about you or your child, if the district filed the truancy action.
- Explain why the child is missing school and what would help the child.
- Show how the school didn't try to keep the child in school.

A court that finds that you (the parent or guardian) or your child hasn't properly attended school may order the child to go to school and will track school attendance. The court can also order these things:

- That the child must go to a different school, public or private
- That the child must go to another kind of public educational program
- That the child does a mental health or substance abuse evaluation and follow any recommendations from that evaluation

Need an interpreter? You have the right to interpreter services in court at no cost to you. Each court should have a contact person for interpreter requests. As soon as you find out about a court date, contact the court to ask for an interpreter.

What happens if my child doesn't follow the court's order?

It depends on what the court's original order said. Some of the court's options include:

- Fine the parent \$25 a day.
- Order the student to do community service.
- Order the student to have a series of meetings with a mentor.
- Order the student to take part in other services.

The judge won't send your child to juvenile detention for not following a court order.

Do I have the right to a free lawyer in a truancy case?

Generally, no, not for either the parent or the child.

- If you have low income and live in King, Pierce, or Spokane counties, contact Team Child (<https://teamchild.org/>).

- Otherwise, get legal help.

What if I think my child is being treated unfairly because of their race or ethnicity?

Truancy actions have targeted students and parents of color more than white students and parents. If you think the district is unfairly treating your child because of their race or ethnicity, you can file a formal complaint (<https://ospi.k12.wa.us/policy-funding/equity-and-civil-rights/complaints-and-concerns-about-discrimination>).

How do I ask for an interpreter from my child's school?

Your child's school should give you information (<https://ospi.k12.wa.us/policy-funding/equity-and-civil-rights/information-families-civil-rights-washington-schools/interpretation-and-translation-services>) **in your language** about your child's education. They should give you an interpreter for meetings, hearings and conversations about your child's education.

They should give you documents translated into your language **if you ask for them to be translated** into your language. You might have to ask for the translations. Schools may only provide automatic translations into certain languages that might not include your language.

The school shouldn't use your children or other students as interpreters. You shouldn't use your child as the interpreter with their school.

- You can ask for these services if your child **can** read or speak English but you **can't**.
- You can ask for these services even if you can speak some English, but not well enough to understand what's being communicated by the school.

You should directly ask the child's school for these services. Contact the school's main office to get help. You can also try to contact the school's principal.

The school is supposed to give you information in your language if it's about any of these issues:

- Registration and enrollment in school
- Grades, academic standards, and graduation
- School rules and student discipline
- Attendance, absences, and withdrawal

- Parent permission for activities or programs
- Health, safety, and emergencies
- School closures
- Opportunities to access programs or services-including highly capable, advanced placement, and English language learner programs
- Special education and services for students with disabilities

If the school fails to give you an interpreter or translations, you can make a complaint. You can get help with making a complaint (<https://ospi.k12.wa.us/about-ospi/contact-us/how-file-complaint>) to the Office of Superintendent of Public Instruction (OSPI). For help with your child's school try contacting:

- The Office of Superintendent of Public Instruction at 360-725-6162.
- The Office of the Education Ombuds 206-729-3251.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.