
HOUSE BILL 2835

State of Washington 62nd Legislature 2012 1st Special Session
By Representative Alexander

1 AN ACT Relating to reducing certain requirements affecting school
2 districts by providing flexibility in truancy reporting obligations and
3 frequency of audits; and amending RCW 28A.225.015, 28A.225.020,
4 28A.225.025, 28A.225.030, 28A.225.151, and 43.09.260.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 28A.225.015 and 1999 c 319 s 6 are each amended to
7 read as follows:

8 (1) If a parent enrolls a child who is six or seven years of age in
9 a public school, the child is required to attend and that parent has
10 the responsibility to ensure the child attends for the full time that
11 school is in session. An exception shall be made to this requirement
12 for children whose parents formally remove them from enrollment if the
13 child is less than eight years old and a petition has not been filed
14 against the parent under subsection (3) of this section. The
15 requirement to attend school under this subsection does not apply to a
16 child enrolled in a public school part-time for the purpose of
17 receiving ancillary services. A child required to attend school under
18 this subsection may be temporarily excused upon the request of his or
19 her parent for purposes agreed upon by the school district and parent.

1 (2) If a six or seven year-old child is required to attend public
2 school under subsection (1) of this section and that child has
3 unexcused absences, the public school in which the child is enrolled
4 shall:

5 (a) Inform the child's custodial parent, parents, or guardian by a
6 notice in writing or by telephone whenever the child has failed to
7 attend school after one unexcused absence within any month during the
8 current school year;

9 (b) Request a conference or conferences with the custodial parent,
10 parents, or guardian and child at a time reasonably convenient for all
11 persons included for the purpose of analyzing the causes of the child's
12 absences after two unexcused absences within any month during the
13 current school year. If a regularly scheduled parent-teacher
14 conference day is to take place within thirty days of the second
15 unexcused absence, then the school district may schedule this
16 conference on that day; and

17 (c) Take steps to eliminate or reduce the child's absences. These
18 steps (~~shall~~) may include, where appropriate, adjusting the child's
19 school program or school or course assignment, providing more
20 individualized or remedial instruction, offering assistance in
21 enrolling the child in available alternative schools or programs, or
22 assisting the parent or child to obtain supplementary services that may
23 help eliminate or ameliorate the cause or causes for the absence from
24 school.

25 (3) If a child required to attend public school under subsection
26 (1) of this section has seven unexcused absences in a month or ten
27 unexcused absences in a school year, the school district (~~shall~~) may
28 file a petition for civil action as provided in RCW 28A.225.035 against
29 the parent of the child.

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

36 **Sec. 2.** RCW 28A.225.020 and 2009 c 266 s 1 are each amended to
37 read as follows:

1 (1) If a child required to attend school under RCW 28A.225.010
2 fails to attend school without valid justification, the public school
3 in which the child is enrolled shall:

4 (a) Inform the child's custodial parent, parents, or guardian by a
5 notice in writing or by telephone whenever the child has failed to
6 attend school after one unexcused absence within any month during the
7 current school year. School officials shall inform the parent of the
8 potential consequences of additional unexcused absences. If the
9 custodial parent, parents, or guardian is not fluent in English, the
10 preferred practice is to provide this information in a language in
11 which the custodial parent, parents, or guardian is fluent;

12 (b) Schedule a conference or conferences with the custodial parent,
13 parents, or guardian and child at a time reasonably convenient for all
14 persons included for the purpose of analyzing the causes of the child's
15 absences after two unexcused absences within any month during the
16 current school year. If a regularly scheduled parent-teacher
17 conference day is to take place within thirty days of the second
18 unexcused absence, then the school district may schedule this
19 conference on that day; and

20 (c) Take steps to eliminate or reduce the child's absences. These
21 steps (~~shall~~) may include, where appropriate, adjusting the child's
22 school program or school or course assignment, providing more
23 individualized or remedial instruction, providing appropriate
24 vocational courses or work experience, referring the child to a
25 community truancy board, if available, requiring the child to attend an
26 alternative school or program, or assisting the parent or child to
27 obtain supplementary services that might eliminate or ameliorate the
28 cause or causes for the absence from school. If the child's parent
29 does not attend the scheduled conference, the conference may be
30 conducted with the student and school official. However, the parent
31 shall be notified of the steps to be taken to eliminate or reduce the
32 child's absence.

33 (2) For purposes of this chapter, an "unexcused absence" means that
34 a child:

35 (a) Has failed to attend the majority of hours or periods in an
36 average school day or has failed to comply with a more restrictive
37 school district policy; and

1 (b) Has failed to meet the school district's policy for excused
2 absences.

3 (3) If a child transfers from one school district to another during
4 the school year, the receiving school or school district shall include
5 the unexcused absences accumulated at the previous school or from the
6 previous school district for purposes of this section, RCW 28A.225.030,
7 and 28A.225.015.

8 **Sec. 3.** RCW 28A.225.025 and 2009 c 266 s 2 are each amended to
9 read as follows:

10 (1) For purposes of this chapter, "community truancy board" means
11 a board composed of members of the local community in which the child
12 attends school. Juvenile courts may establish and operate community
13 truancy boards. If the juvenile court and the school district agree,
14 a school district may establish and operate a community truancy board
15 under the jurisdiction of the juvenile court. Juvenile courts may
16 create a community truancy board or may use other entities that exist
17 or are created, such as diversion units. However, a diversion unit or
18 other existing entity must agree before it is used as a truancy board.
19 Duties of a community truancy board shall include, but not be limited
20 to, recommending methods for improving school attendance such as
21 assisting the parent or the child to obtain supplementary services that
22 might eliminate or ameliorate the causes for the absences or suggesting
23 to the school district that the child enroll in another school, an
24 alternative education program, an education center, a skill center, a
25 dropout prevention program, or another public or private educational
26 program.

27 (2) The legislature finds that utilization of community truancy
28 boards, or other diversion units that fulfill a similar function, is
29 the preferred means of intervention when preliminary methods of notice
30 and parent conferences and taking appropriate steps to eliminate or
31 reduce unexcused absences have not been effective in securing the
32 child's attendance at school. The legislature intends to encourage and
33 support the development and expansion of community truancy boards and
34 other diversion programs which are effective in promoting school
35 attendance and preventing the need for more intrusive intervention by
36 the court. (~~Operation of a school truancy board does not excuse a~~

1 ~~district from the obligation of filing a petition within the~~
2 ~~requirements of RCW 28A.225.015(3).)~~

3 **Sec. 4.** RCW 28A.225.030 and 2012 c ... (SB 6494-S) s 1 are each
4 amended to read as follows:

5 (1) If a child under the age of seventeen is required to attend
6 school under RCW 28A.225.010 and (~~if the actions taken by a~~) the
7 school district takes actions under RCW 28A.225.020 that are not
8 successful in substantially reducing an enrolled student's absences
9 from public school, not later than the seventh unexcused absence by a
10 child within any month during the current school year or not later than
11 the tenth unexcused absence during the current school year the school
12 district (~~shall~~) may file a petition and supporting affidavit for a
13 civil action with the juvenile court alleging a violation of RCW
14 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent
15 and the child. Except as provided in this subsection, no additional
16 documents need be filed with the petition. Nothing in this subsection
17 requires court jurisdiction to terminate when a child turns seventeen
18 or precludes a school district from filing a petition for a child that
19 is seventeen years of age.

20 (2) The district (~~shall not later than~~) may, after the fifth
21 unexcused absence in a month:

22 (a) Enter into an agreement with a student and parent that
23 establishes school attendance requirements;

24 (b) Refer a student to a community truancy board, if available, as
25 defined in RCW 28A.225.025. The community truancy board shall enter
26 into an agreement with the student and parent that establishes school
27 attendance requirements and take other appropriate actions to reduce
28 the child's absences; or

29 (c) File a petition under subsection (1) of this section.

30 (3) The petition may be filed by a school district employee who is
31 not an attorney.

32 (4) If the school district (~~fails to~~) does not file a petition
33 under this section, the parent of a child with five or more unexcused
34 absences in any month during the current school year or upon the tenth
35 unexcused absence during the current school year may file a petition
36 with the juvenile court alleging a violation of RCW 28A.225.010.

1 (5) Petitions filed under this section may be served by certified
2 mail, return receipt requested. If such service is unsuccessful, or
3 the return receipt is not signed by the addressee, personal service is
4 required.

5 **Sec. 5.** RCW 28A.225.151 and 1996 c 134 s 5 are each amended to
6 read as follows:

7 (1) As required under subsection (2) of this section, (~~each~~) if
8 a school takes additional actions provided under RCW 28A.225.030, it
9 shall document the actions taken under RCW 28A.225.030 and report this
10 information to the school district superintendent who shall compile the
11 data for all the schools in the district and prepare an annual school
12 district report for each school year and submit the report to the
13 superintendent of public instruction. The reports shall be made upon
14 forms furnished by the superintendent of public instruction and shall
15 be transmitted as determined by the superintendent of public
16 instruction.

17 (2) The reports under subsection (1) of this section shall include:

18 (a) The number of enrolled students and the number of unexcused
19 absences;

20 (b) Documentation of the steps taken by the school district under
21 each subsection of RCW 28A.225.020 at the request of the superintendent
22 of public instruction. Each year, by May 1st, the superintendent of
23 public instruction shall select ten school districts to submit the
24 report at the end of the following school year. The ten districts
25 shall represent different areas of the state and be of varied sizes.
26 In addition, the superintendent of public instruction shall require any
27 district that fails to keep appropriate records to submit a full report
28 to the superintendent of public instruction under this subsection. All
29 school districts shall document steps taken under RCW 28A.225.020 in
30 each student's record, and make those records available upon request
31 consistent with the laws governing student records;

32 (c) The number of enrolled students with ten or more unexcused
33 absences in a school year or five or more unexcused absences in a month
34 during a school year;

35 (d) A description of any programs or schools developed to serve
36 students who have had five or more unexcused absences in a month or ten
37 in a year including information about the number of students in the

1 program or school and the number of unexcused absences of students
2 during and after participation in the program. The school district
3 shall also describe any placements in an approved private nonsectarian
4 school or program or certified program under a court order under RCW
5 28A.225.090; and

6 (e) The number of petitions filed by a school district with the
7 juvenile court.

8 (3) A report required under this section shall not disclose the
9 name or other identification of a child or parent.

10 (4) The superintendent of public instruction shall collect these
11 reports from all school districts and prepare an annual report for each
12 school year to be submitted to the legislature no later than December
13 15th of each year.

14 **Sec. 6.** RCW 43.09.260 and 2009 c 564 s 927 are each amended to
15 read as follows:

16 (1) The examination of the financial affairs of all local
17 governments shall be made at such reasonable, periodic intervals as the
18 state auditor shall determine. However, an examination of the
19 financial affairs of all local governments shall be made at least once
20 in every three years, and an examination of individual local government
21 health and welfare benefit plans and local government self-insurance
22 programs shall be made at least once every two years. Additionally,
23 after July 1, 2012, the state auditor shall conduct fiscal and
24 performance audits no more often than once every three years for school
25 districts when no findings of impropriety were found for the school
26 districts for the three-year period immediately preceding the audit
27 period. This subsection does not prohibit the state auditor from
28 conducting audits: (a) To address suspected fraud or irregular
29 conduct; (b) at the request of the local school board of directors; (c)
30 if there has been a change in the superintendent or the chief financial
31 officer in the year immediately preceding the audit; or (d) as required
32 by federal laws or regulations.

33 (2) During the 2009-2011 fiscal biennium, the state auditor shall
34 conduct audits no more often than once every two years of local
35 governments with annual general fund revenues of ten million dollars or
36 less and no findings of impropriety for the three-year period
37 immediately preceding the audit period. This subsection does not

1 prohibit the state auditor from conducting audits: (a) To address
2 suspected fraud or irregular conduct; (b) at the request of the local
3 government governing body; or (c) as required by federal laws or
4 regulations.

5 (3) The term local governments for purposes of this chapter
6 includes but is not limited to all counties, cities, and other
7 political subdivisions, municipal corporations, and quasi-municipal
8 corporations, however denominated.

9 (4) The state auditor shall establish a schedule to govern the
10 auditing of local governments which shall include: A designation of
11 the various classifications of local governments; a designation of the
12 frequency for auditing each type of local government; and a description
13 of events which cause a more frequent audit to be conducted.

14 (5) On every such examination, inquiry shall be made as to the
15 financial condition and resources of the local government; whether the
16 Constitution and laws of the state, the ordinances and orders of the
17 local government, and the requirements of the state auditor have been
18 properly complied with; and into the methods and accuracy of the
19 accounts and reports.

20 (6) A report of such examination shall be made and filed in the
21 office of state auditor, and one copy shall be transmitted to the local
22 government. A copy of any report containing findings of noncompliance
23 with state law shall be transmitted to the attorney general. If any
24 such report discloses malfeasance, misfeasance, or nonfeasance in
25 office on the part of any public officer or employee, within thirty
26 days from the receipt of his or her copy of the report, the attorney
27 general shall institute, in the proper county, such legal action as is
28 proper in the premises by civil process and prosecute the same to final
29 determination to carry into effect the findings of the examination.

30 (7) It shall be unlawful for any local government or the
31 responsible head thereof, to make a settlement or compromise of any
32 claim arising out of such malfeasance, misfeasance, or nonfeasance, or
33 any action commenced therefor, or for any court to enter upon any
34 compromise or settlement of such action, without the written approval
35 and consent of the attorney general and the state auditor.

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