



SUPERINTENDENT OF PUBLIC INSTRUCTION

Chris Reykdal Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

June 26, 2018

() Action Required
(X) Informational

BULLETIN NO. 062-18 OFFICE OF SYSTEM & SCHOOL IMPROVEMENT

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers
School Building Principals
Charter School Administrators
District Attendance, Truancy and Excessive Absenteeism Liaisons
Building Attendance Secretaries & Specialists

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: **New Absence Rules Adopted – Effective August 1, 2018**

CONTACT: Krissy Johnson, Attendance Program Supervisor
360-725-6045, krissy.johnson@k12.wa.us
Lisa Ireland, Research Analyst (CEDARS)
360-725-6358, lisa.ireland@k12.wa.us
Kristin Murphy, Rules Coordinator
360-725-6133, kristin.murphy@k12.wa.us

PURPOSE/BACKGROUND

The Office of Superintendent of Public Instruction (OSPI) has adopted the new Chapter 392-401 of the Washington Administrative Code (WAC). This chapter defines an absence and reasons for excused absences. OSPI revised the absence rules to create more consistent reporting, which will increase data quality and comparability as accountability and visibility of chronic absenteeism increases. To view the permanent rules, visit the [OSPI Attendance Laws & Policies webpage](#).

OSPI adopted the absence rules on May 3. The rules will become effective on August 1. OSPI did not make substantial changes in response to written comments and public testimony received at the rulemaking hearing.

SUMMARY OF RULE CHANGES & SUPPLEMENTAL GUIDANCE

The permanent rule contains the following changes:

Definition of absence. The new proposed Chapter 392-401 WAC defines an absence as when a student is:

- (a) Not physically present on school grounds; and
- (b) Not participating in the following activities at an approved location:

- (i) Instruction;
- (ii) Any instruction-related activity; or
- (iii) Any other district or school approved activity regulated by an instructional/academic accountability system, such as participation in district-sponsored sports.

Guidance. OSPI has determined the phrase, “not physically present on school grounds” should be broadly interpreted as a student that is not in their assigned or expected setting, and still on school property. Therefore, according to the adopted definition, a student skipping class but still on campus should be considered absent.

Additionally, this rule is not intended to change the practice of teachers taking daily and period attendance, or from marking a student absent from class when they are participating in school-related instructional events and therefore not in their assigned class, for example. This is to ensure the safety and whereabouts of every student and to maintain data accuracy. Local student information systems typically are able to differentiate between types of absences, which can include the use of an “Other” or “Exempt” code. OSPI encourages districts to work with their student information system administrator or service provider to receive support in this area.

Absences during Suspensions and Expulsions. A student should be considered excused absent while they are suspended or expelled pursuant to chapter 392-400 WAC unless they are receiving educational services as required by [RCW 28A.600.015](#) and chapter [392-400 WAC](#) and the student is enrolled in qualifying “course of study” activities as defined in [WAC 392-121-107](#).

Guidance. OSPI has determined a student must be enrolled in qualifying “course of study” activities in order to be considered present. OSPI acknowledges that school districts must provide the opportunity to receive educational services while suspended (both in-school and out of school) and expelled, districts are still building capacity to do so. Because one of the primary goals of tracking attendance (in addition to safety) is to monitor the time a student is missing out on instruction, OSPI has determined linking absences due to exclusionary discipline to the Course of Study requirements mitigates the possibility of students being considered present when they are sent home with a homework packet or not receiving comprehensive instructional support in a formal setting.

Full Day Absence. A full day absence is defined as a student missing 50 percent or more of their scheduled day.

Guidance. This definition of a full day aligns with the federal definition and OSPI’s requirements for state reporting, as outlined in the CEDARS Manual and Guidance.

Accumulation of Tardies for Truancy Petition. The permanent rule language states that a school or district shall not convert or combine tardies into absences that contribute to a truancy petition.

Guidance. The intent of this rule is to eliminate the use of the truancy process to respond to tardies. OSPI recognizes and values the importance of bell to bell attendance, and the significant risk that tardies, late arrivals, and early dismissals can cause on a student's learning. The decision to maintain this language in the permanent rule represents a determination on how tardies should be responded to, not in their importance. OSPI is developing guidance for districts that will include best practice to reduce tardies that don't rely on the threat of court involvement. Some of these best practice efforts that include raising awareness and educating families about the importance of on-time attendance and establishing common and well-known expectations throughout the school and district community.

Nothing in this permanent rule language precludes a school or district from tracking tardies, engaging with families to understand the root cause of the tardiness, and providing supports, incentives, or other responses to reduce the tardies. OSPI will be engaging with partners to develop guidance on this topic.

Additional Categories of Excused Absences. The permanent rule has several additional categories of excused absences. Please review the [permanent rules](#) for the complete list.

- Absences due to medical appointments or counseling, in-patient, out-patient for mental health or chemical dependency, or pregnancy.
- Absences due to court-ordered activities.
- Absences due to foster care or dependency status.
- Absences due to migrant status.
- Absences due to safety concerns including threats, assaults, or bullying.

Absences due to foster care or dependency status. OSPI has determined that absences specifically related to a student's foster care status are out of the control of the student. The new language is not intended to excuse all absences of a student that is in foster care. RCW 28A.225.023 states that a school or district shall review unexpected or excessive absences with a dependent youth to determine the cause of the absences, taking into account the nature of the absences which may or may not be under the student's or foster parents locus of control (e.g. unplanned school transitions, incarceration, court-ordered activities such as counseling appointments and family visits.) OSPI acknowledges that not excusing these absences will put the student at risk of becoming engaged with the court system for matters that are out of their control.

Absences due to migrant status. OSPI has determined that absences specifically related to a student's migratory lifestyle are out of the control of the student. The new language is not intended to excuse all absences of a migrant student. Additionally, RCW 28A.225.010 notes the absence can be counted as excused provided it does not have a serious adverse effect upon the student's educational progress. OSPI's Title I Part C Migrant Education Program strongly encourages the district and parent/guardian and student to create an Extended Absence Agreement with the school to decrease the risk of an adverse effect on the student's educational progress. OSPI acknowledges, similar to absences due to foster care or dependency status, that not excusing these absences will

put the student at risk of becoming engaged with the court system for matters that are out of their control or driven by economic need.

FOR MORE INFORMATION

A detailed summary of the changes, as well as OSPI's justification for changes and response to commenters is available in the [Concise Explanatory Statement](#) on the OSPI Attendance Laws & Policies webpage.

To view the new Absence Rules, please visit this link: [Proposed rule language](#)

Please note: The official WAC website will still show the old WAC 392-400-325 until the Code Reviser updates the website over the summer.

For more information, please go to the [Attendance Laws and Policies](#) webpage.

CONTACT

For questions regarding this bulletin, please contact Krissy Johnson, at 360-725-6045 or email krissy.johnson@k12.wa.us. The OSPI TTY number is 360-664-3631.

This bulletin is also available on the [Bulletins](#) page of the OSPI website at www.k12.wa.us/BulletinsMemos/bulletins2018.

Michaela W. Miller, Ed.D., NBCT
Deputy Superintendent

Tennille Jeffries-Simmons
Assistant Superintendent
System and School Improvement

Dixie Grunenfelder
Director
K12 System Supports

CR:pb

OSPI provides equal access to all programs and services without discrimination based on sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, disability, or the use of a trained dog guide or service animal by a person with a disability. Questions and complaints of alleged discrimination should be directed to the Director of the Office of Equity and Civil Rights at 360-725-6162/TTY: 360-664-3631; or P.O. Box 47200, Olympia, WA 98504-7200; or equity@k12.wa.us.