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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

August 17, 2021

(X) Action Required

(X) Informational

BULLETIN NO. 061-21 SYSTEM AND SCHOOL IMPROVEMENT

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers
School Principals
District Absenteeism and Truancy Liaison
Attendance Clerks

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Absence Rules Updated for 2021–22 School Year

CONTACT: Krissy Johnson, Attendance Program Supervisor
(360) 725-6045, krissy.johnson@k12.wa.us

PURPOSE/BACKGROUND

This communication provides updates on the changes to the Office of Superintendent of Public Instruction's (OSPI) absence rules ([Chapter 392-401 WAC – Definition of Absence, Excused and Unexcused](#)). This bulletin also provides reminders to school districts regarding law changes that impact the truancy process due to the passage of [Engrossed Substitute House Bill 1113](#).

OSPI pursued permanent changes to the absence rules following the use of emergency rules during the 2020–21 school year. The changes in the current rule were intended to make permanent some of the necessary adaptations made last school year particular to remote/virtual instruction due to the COVID-19 pandemic.

SUMMARY OF CHANGES TO RULE

The primary changes to the rule include the following:

- Creates a definition of absence from synchronous online and asynchronous instruction.
- Establishes the frequency of attendance taking for synchronous online and asynchronous instruction.
- Refines and establishes the reasons for excused absences that are relevant only during times of emergency school facility closures where districts are required to provide synchronous and asynchronous instruction.

- Establishes the minimum criteria of a district's multi-tiered system of support for attendance, including a system for monitoring students who have been withdrawn from school for nonattendance.

ABSENCES FROM SYNCHRONOUS ONLINE AND ASYNCHRONOUS INSTRUCTION

In order to support school districts that will continue to provide instruction through remote or virtual modalities distinct from an Alternative Learning Environment (ALE), absences from synchronous online and asynchronous instruction are established in the rule. These remote or virtual modalities are also defined.

Definition of Synchronous Online Instruction

"Synchronous online instruction" means scheduled, real-time instruction between the student and a certified teacher or a district staff that is supervised by a certified teacher and provides opportunities for live, two-way interactive communication online.

Definition of Asynchronous Instruction

"Asynchronous instruction" means instruction that is prepared by a certificated teacher and occurs away from the physical school setting without two-way interactive communication.

Absence from Synchronous Online Instruction

Chapter 392-401-016 defines a student absence from synchronous online instruction as when the student does not log in to the synchronous meeting/class.

Minimum Time for Being Considered Present

Districts can establish minimum thresholds similar to in-person attendance for the time in which a student must be logged in to be considered present. Districts and schools must develop a consistent and equitable approach that is documented in the student handbook and communicated clearly to all students and families. **Determining a threshold for when a student is present or absent should not be left to individual teachers.**

Presence vs. Participation

Participation, such as turning video on and participating in discussion or chat, are not to be considered when determining if a student is present or not. These are examples of participation and should be considered distinct from attendance.

Tardies

Schools and districts maintain the flexibility to determine what constitutes a tardy in synchronous online settings. It is important to note that districts must be able to differentiate a tardy from an absence (where the student does not attend at all) in their local Student

Information Systems and must be able to exclude tardies from any reports that tally absences for the purposes of filing a truancy petition.

Absence from Asynchronous Instruction

Chapter 392-401-016 defines a student absence from asynchronous instruction as when there is no evidence that the student accessed the planned asynchronous activity. This section also establishes that evidence of student participation in asynchronous activities must occur daily and within a twenty-four-hour time frame of when the participation is planned or expected.

Similar to local determinations on what constitutes presence for synchronous online instruction, districts and schools must develop a consistent and equitable approach that establishes what constitutes "evidence of participation." This policy must be documented in the student handbook and communicated clearly to all students and families. **Determining what constitutes "evidence of participation" should not be left to individual teachers.**

Daily Attendance Taking

Chapter 392-401-018 requires specific frequencies of taking attendance when instruction is synchronous online or asynchronous. Specifically, secondary schools must take attendance daily in each course with planned instruction, and elementary schools must take attendance at least twice a day.

School districts maintain a responsibility to take attendance for students expected to attend in-person learning with the same frequency they did prior to COVID to verify student presence in their assigned learning settings throughout the day.

EXCUSED ABSENCES

Chapter 392-401-020 lists the reasons that absences must be excused. The changes to the list are in bold below:

- (a) Illness, health condition, or medical appointment (including, but not limited to, medical, counseling, dental, optometry, pregnancy, and in-patient or out-patient treatment for chemical dependency or mental health) for the student or person for whom the student is legally responsible;
- (b) Family emergency (including, but not limited to, a death or illness in the family);
- (c) Religious or cultural purpose (including observance of a religious or cultural holiday or participation in religious or cultural instruction);
- (d) Court, judicial proceeding, court-ordered activity, or jury service;
- (e) Postsecondary, technical school or apprenticeship program visitation, or scholarship interview;
- (f) State-recognized search and rescue activities consistent with RCW 28A.225.055;
- (g) Absence directly related to the student's homeless or foster care/dependency status;

- (h) Absences related to deployment activities of a parent or legal guardian who is an active-duty member consistent with RCW 28A.705.010;
- (i) Absences due to suspensions, expulsions, or emergency expulsions imposed pursuant to chapter 392-400 WAC if the student is not receiving educational services and is not enrolled in qualifying "course of study" activities as defined in WAC 392-121-107;
- (j) Absences due to student safety concerns (including absences related to threats, assaults, or bullying);
- (k) Absences due to a student's migrant status;
- (l) Absences due to an approved activity that is consistent with district policy and is mutually agreed upon by the principal or designee and a parent, guardian, or emancipated youth; and
- (m) Absences due to the student's lack of necessary instructional tools (including internet access or connectivity).**

Excused Absences During School Facility Closures

A new section WAC 392-401-020(2) was added to the rule defining reasons a student must be considered absent in the event of emergency school facility closure due to COVID-19, other communicable disease outbreak, natural disaster, or other event when districts are required to provide synchronous and asynchronous instruction.

- (a) Absences related to the student's illness, health condition, or medical appointments due to COVID-19 or other communicable disease;
- (b) Absences related to caring for a family member who has an illness, health condition, or medical appointment due to COVID-19, other communicable disease, or other emergency health condition related to school facility closures;
- (c) Absences related to the student's family obligations during regularly scheduled school hours that are temporarily necessary because of school facility closures, until other arrangements can be made; and
- (d) Absences due to the work schedule or other obligations of the student's parents during regularly scheduled school hours, until other arrangements can be made.

The rule also clarifies that districts may define additional categories or criteria for excused absences. A school principal or designee has the authority to determine if an absence meets the above criteria and school district policy for an excused absence.

MINIMUM CRITERIA FOR MULTI-TIERED SYSTEMS FOR ATTENDANCE

Chapter 392-401-045 outlines the minimum requirements of a multi-tiered system that addresses attendance. The purpose of a multi-tiered system of support for attendance is to address barriers to student attendance and provide timely interventions and best practices to reduce chronic absenteeism (students missing 10% or more of their school days, excused and unexcused) and truancy.

These guidelines are only minimum requirements, as a multi-tiered system of support includes a variety of other comprehensive processes that are not addressed in this rule. See [OSPI's MTSS framework](#) and [MTSS resources specific to attendance](#) for further information.

The updated rule requires that multitiered systems of support in WAC 392-401-045 must include:

- (a) Monitoring daily attendance data for all students who are absent, whether the absence is excused or unexcused;
- (b) A process to contact families and verify current contact information for each enrolled student that includes multiple attempts and modalities in the parent's home language;
- (c) Differentiated supports that address the barriers to attendance and participation that includes universal supports for all students and tiered interventions for students at-risk of and experiencing chronic absence, including school and district attendance or engagement teams, connecting to community resources, and community engagement boards; and
- (d) A process for outreach and reengagement for students who have been withdrawn due to nonattendance, and there is no evidence that the student is enrolled elsewhere. This outreach and reengagement process must include:
 - (i) A school and/or district point person(s) to maintain the list, keep it updated, and coordinate the outreach;
 - (ii) School or district staff assigned to conduct the outreach and attempts at reengagement in coordination with community partners or other programs;
 - (iii) Multiple methods of communication and outreach in a language or mode of communication that the parent understands, including phone calls, texts, letters, and home visits;
 - (iv) Referral to community-based organizations;
 - (v) Documentation of the attempts to reach student and family; and
 - (vi) Follow the required steps to address unexcused absences in chapter 28A.225 RCW, including early communication to parents, holding parent conferences and administering a truancy screener to understand the underlying reasons for the absences, and providing evidence-based or best practice interventions, even if the student has been withdrawn due to nonattendance.

OSPI is developing this [additional guidance](#) to supplement this bulletin and these changes.

- *Guidance on Withdrawing Students and Developing Systems for Outreach and Reengagements*. This guidance is specific to supporting districts to build or refine their process for monitoring and reengaging learners who have been withdrawn.
- *Attendance Frequently Asked Questions* (updated for 2021–22).

LEGAL CHANGES TO TRUANCY PROCESS

The Washington Legislature made several changes to the truancy law during the 2021 legislative session in ESHB 1113.

- Districts are to file truancy petitions no earlier than 7 unexcused absences in a month and no later than 15 unexcused absences in a school year. This change went into effect April 26, 2021. These thresholds are intended to replace the previous statutory thresholds of 5 unexcused in a month and 10 unexcused in a school year.
- Districts now have until a student's 7th unexcused absence to administer a screener/assessment, provide data-based interventions, and convene the IEP or 504 team for students with an IEP or a 504 plan.
- Community Truancy Boards have been renamed to Community Engagement Boards and went into effect August 1, 2021.

Find a summary of the legally required steps to address absences here:

- [Elementary Attendance and Truancy Required Steps](#)
- [Secondary Attendance and Truancy Required Steps](#)

Future OSPI Rulemaking

OSPI was authorized by the Washington state legislature through [ESHB 1113](#) to develop rules relevant to the implementation of truancy policy in school districts. OSPI will be engaging stakeholders throughout the 2021–22 school year to develop those rules. If you would like to receive updates on this process, please sign up here for the [OSPI Attendance newsletter](#).

INFORMATION AND ASSISTANCE

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.

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BULLETIN NO. 061-21 OSSI

August 17, 2021

Page 7

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Attendance and Truancy Legal Requirements Elementary Students

When	Action / Response
<p>Beginning of school year</p> <p>RCW 28A.225.005</p>	<p>Information letter to all students and parents that includes the benefits of regular school attendance; the effects of absenteeism, excused and unexcused, on academic achievement and graduation; the school's expectations regarding attendance; the resources available to assist the child and the parents; the responsibilities of the school; and the consequences of truancy; communicated in a language in which the parents are fluent¹.</p>
<p>After 5 excused absences within any monthⁱⁱ or 10 cumulative excused absences in a school year</p> <p>RCW 28A.225.018</p>	<p>Schedule conference with the parent of an <u>elementary</u> student and the child for the purpose of identifying barriers to attendance and supports/resources available to assist the family. If the student has an individualized education program (IEP) or 504 Plan, the IEP or 504 team must convene.</p> <p>A conference or IEP/504 team meeting is not required if prior notice has been given or a doctor's note has been provided and an academic plan has been put in place. This step of holding a conference for excused absences is only required for elementary school students.</p>
<p>After 1 unexcused absence</p> <p>RCW 28A.225.020</p>	<p>Inform the student's parent/guardian by notice in writing or by telephone, in a language the parent is fluent, whenever the student has failed to attend school after one unexcused absence.</p>
<p>After 3 unexcused absences within any month</p> <p>RCW 28A.225.020</p>	<p>Schedule conference with parent/guardian and student for the purpose of identifying barriers to the student's regular attendance and the supports and resources that may be made available to the family and the steps to be taken to support the student to attend.</p>
<p>Between 2 and 7ⁱⁱⁱ unexcused cumulative absences in a school year</p> <p>RCW 28A.225.020</p>	<p>Take data-informed steps to eliminate or reduce student's absences.</p> <p>Convene the IEP or 504 team if the student has an IEP or a 504 Plan to consider the reasons for the absences and adjust the IEP or 504 Plan as necessary. This is required and is in addition to the requirement to have a parent conference after 3 unexcused absences.</p> <p>For students reasonably believed to have a disability that do not have an IEP or 504, the following steps must occur:</p> <ul style="list-style-type: none"> • Student should be referred to the district's existing Child Find process (WAC 392-172A-02040) • Parents/guardians need to be informed of the right to request an evaluation at no cost to them and, if the parents/guardians



When	Action / Response
	<p>consent to an evaluation, time should be allowed for the evaluation to be completed (WAC 392-172A-03005)^{iv}</p> <ul style="list-style-type: none"> • If the student is found to be eligible for services/ accommodations, a plan must be developed to address the identified needs
<p>Not later than the 7th unexcused absence in a month</p> <p>RCW 28A.225.030</p>	<p>District shall do one of the following:</p> <ul style="list-style-type: none"> • Enter into an agreement with the student and parent establishing attendance requirements, OR • Refer student to a Community Engagement Board (CEB), OR • File petition under subsection (1) of RCW 28A.225.030
<p>After 7 unexcused absences in a month and not later than 15 cumulative unexcused absences in a school year</p> <p>RCW 28A.225.035</p>	<p>File truancy petition with Juvenile Court. Court must stay^v the petition.</p> <p>Refer the parent and child to a community engagement board (CEB) or other coordinated means of intervention if referral did not take place before the petition. CEB meeting must take place within twenty days of the referral. The CEB must meet with the child, a parent, and school district representative and enter into an agreement.</p>
<p>Unexpected or excessive absences (for youth who are dependent pursuant to 13.34 RCW)</p> <p>RCW 28A.225.023</p>	<p>Review unexpected or excessive absences with a youth who is dependent pursuant to chapter 13.34 RCW and adults involved with that youth to determine the cause of the absences, considering the unique circumstance of a youth who is dependent. A district employee must proactively support the youth's schoolwork, such as the required building point of contact for students who are dependent.</p>

ⁱ If the parent or guardian is not fluent in English or is an individual who is deaf or hard of hearing or blind or low vision, the school must provide this information in a language the parent or guardian understands or other mode of communication used by the parent or guardian; including providing language assistance as required under Title VI of the Civil Rights Act of 1964 or Title II of the Americans with Disabilities Act.

ⁱⁱ OSPI interprets the phrase "in any month" as within any 30-day period, following with the intent of the law to provide timely response and supports to students who are absent.

ⁱⁱⁱ Beginning the 2021–22 school year, districts have until 7 unexcused absences to take these data-informed steps.

^{iv} This language is slightly different than [RCW 28A.225.020](#), and is aligned with Special Education laws, as cited.

Reflects law changes as a result of [ESHB 1113 \(2021\)](#). Document updated May 24, 2021. This summary is not intended to capture the full detail of the law; please refer to the RCWs for the full extent of the requirements.

^v "Stay" means that the court will temporarily hold the case from moving forward, giving the district, parent, and student time to address the causes of absences through the CEB and subsequent supports & interventions.

Attendance and Truancy Legal Requirements Middle and High School Students

When	Action / Response
<p>Beginning of school year</p> <p>RCW 28A.225.005</p>	<p>Information letter to all students and parents that includes the benefits of regular school attendance; the effects of absenteeism, excused and unexcused, on academic achievement and graduation; the school's expectations regarding attendance; the resources available to assist the child and the parents; the responsibilities of the school; and the consequences of truancy; communicated in a language in which the parents are fluentⁱ.</p>
<p>After 1 unexcused absence</p> <p>RCW 28A.225.020</p>	<p>Inform the student's parent/guardian by a notice in writing or by telephone, in a language the parent is fluent, whenever the student has failed to attend school after one unexcused absence.</p>
<p>After 3 unexcused absences within any monthⁱⁱ</p> <p>RCW 28A.225.020</p>	<p>Schedule conference with parent/guardian and student for the purpose of identifying barriers to the student's regular attendance and the supports and resources that may be made available to the family and the steps to be taken to support the student to attend.</p>
<p>Between 2 and 7ⁱⁱⁱ unexcused cumulative absences in a school year</p> <p>RCW 28A.225.020</p>	<p>Must apply WARNS (Washington Assessment of Risks and Needs of Students) or other assessment.</p> <p>Take data-informed steps to eliminate or reduce student's absences, consistent with the WARNS or other assessment results.</p> <p>Convene the IEP or 504 team. If the student has an individualized education program (IEP) or a 504 Plan, the team must convene to consider the reasons for the absences and adjust the IEP or 504 Plan as necessary. This is required and is in addition to the requirement to have a parent conference after 3 unexcused absences.</p> <p>For students reasonably believed to have a disability who do not have an IEP or 504, the following steps must occur:</p> <ul style="list-style-type: none"> • Student should be referred to the district's existing Child Find process (WAC 392-172A-02040) • Parents/guardians need to be informed of the right to request an evaluation at no cost to them; if the parents/guardians consent to an evaluation, then time should be allowed for the evaluation to be completed (WAC 392-172A-03005)^{iv}



When	Action / Response
	<ul style="list-style-type: none"> If the student is found to be eligible for services/accommodations, a plan must be developed to address the identified needs
<p>Not later than 7 unexcused absences in a month RCW 28A.225.030</p>	<p>District shall do one of the following:</p> <ul style="list-style-type: none"> Enter into an agreement with the student and parent establishing attendance requirements, OR Refer student to a Community Engagement Board (CEB), OR File petition under subsection (1) of RCW 28A.225.030
<p>After 7 unexcused absences in a month and not later than 15 cumulative unexcused absences in a school year RCW 28A.225.035</p>	<p>File truancy petition with Juvenile Court. Court must stay^v the petition. Refer the parent and child to a community engagement board (CEB) or other coordinated means of intervention if referral did not take place before the petition. The CEB meeting must take place within twenty days of the referral. The community engagement board must meet with the child, a parent, and school district representative and enter into an agreement.</p>
<p>Unexpected or excessive absences (for youth who are dependent pursuant to 13.34 RCW) RCW 28A.225.023</p>	<p>Review unexpected or excessive absences with a youth who is dependent pursuant to chapter 13.34 RCW and adults involved with that youth to determine the cause of the absences, considering the unique circumstance of a youth who is dependent. A district employee must proactively support the youth's schoolwork, such as the required building point of contact for students who are dependent.</p>

ⁱ If the parent or guardian is not fluent in English or is an individual who is deaf or hard of hearing or blind or low vision, the school must provide this information in a language the parent or guardian understands or other mode of communication used by the parent or guardian; including providing language assistance as required under Title VI of the Civil Rights Act of 1964 or Title II of the Americans with Disabilities Act. See the Department of Justice guidance on [effective communication](#).

ⁱⁱ OSPI interprets the phrase "in any month" as within any 30-day period, following with the intent of the law to provide timely response and supports to students that are absent.

ⁱⁱⁱ Beginning the 2021–22 school year, districts have until 7 unexcused absences to take these data-informed steps.

^{iv} This language is slightly different than [RCW 28A.225.020](#), and is aligned with Special Education laws, as cited.

^v "Stay" means that the court will temporarily hold the case from moving forward, giving the district, parent, and student time to address the causes of absences through the CEB and subsequent supports & interventions.

Reflects law changes as a result of [ESHB 1113 \(2021\)](#). Document updated May 14, 2021. This summary is not intended to capture the full detail of the law; please refer to the RCWs for the full extent of the requirements.