



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

August 28, 2017

(X) Action Required

() Informational

BULLETIN NO. 066-17 OFFICE OF SYSTEM AND SCHOOL IMPROVEMENT

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers
School Building Principals
Charter School Administrators

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Absence Rulemaking – Emergency and CR 102 Notice

CONTACT: Krissy Johnson, Student Assistance Program Supervisor (Bulletin)
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 (Proposed rules)
360-725-6133, kristin.murphy@k12.wa.us

PURPOSE

Notice of absence emergency rule. The Office of Superintendent of Public Instruction (OSPI) filed an emergency rule effective Friday, August 25, 2017, that created a new Chapter 392-401 in the Washington Administrative Code (WAC) regarding the definition of absence and the reasons a school district may mark an absence as excused or unexcused. The emergency rule immediately aligns our state definition of absence with the federal definition of absence, as used in federal reporting to the Department of Education's Office of Civil Rights (OCR).

Notice of filing of CR 102 and public comment. In addition, OSPI filed a CR 102 Wednesday, August 23, 2017, to begin the public comment period for stakeholders to provide feedback on a permanent absence rule. Stakeholders with an interest in providing feedback are encouraged to participate in this process.

SUMMARY OF RULE CHANGE

New definition of absence. Chapter 392-401 WAC defines an absence as when a student is not physically present on school grounds and not participating in instruction/instruction-related activities at an approved off-grounds location for at least half (50 percent) of the student's scheduled day.

Reporting of off-site instruction-related activities. OSPI's former rule (WAC 392-400-325) and CEDARS Reporting Manual and Guidance required districts to consider a student absent when participating in any school-related activities occurring off school grounds, including field trips. The emergency rule changes that by defining a student as present when they are involved in instruction or instruction-related activity at an approved off-grounds location. Students who are present should not be reported to the state as absent. The emergency rule does not explicitly define "instruction" or "instruction-related activity". School districts may therefore use their discretion during the 2017–18 school year to determine whether the school-related activities offered in their district are instruction or instruction-related.

Reporting of exclusionary discipline. The WAC revision also clarifies absences due to suspensions, expulsions or emergency expulsions. Students receiving educational services, as required by RCW 28A.600.015 and chapter 392-400 WAC, should be considered present, and not reported to the state as absent.

Reporting of tardies. The WAC revision clarifies a student marked tardy should not be reported to the state as absent unless the student otherwise meets the definition of an absence.

BACKGROUND

OSPI began collecting student-level absence data from school districts in 2012–13. The former chapter 392-401 WAC was adopted at the same time. Since then, several events and policy shifts have brought more attention to OSPI's state definition of absence and data reporting.

First, OSPI released performance indicator analytics that included the first district-level view of chronic absenteeism. This data release occurred for the first time in the spring of 2016, and included all three available years of absence data. Soon after this release in the summer of 2016, OCR's Civil Rights Data Collection reported on chronic absenteeism for the first time nationally. At the same time, the Washington State Legislature amended the state's truancy law to include recognition of excused absences and excessive absenteeism, inclusive of but not

limited to unexcused absences. Lastly, as part of Washington’s ESSA accountability plan, chronic absenteeism is included as a measure of school quality or student success.

IMPACT OF EMERGENCY RULE CHANGE

This emergency rule is effective immediately, and allows districts that were reporting all school-related activities as excused absences, in accordance with the former WAC and the CEDARS reporting guidance, to stop reporting instructional school-related activities (including field trips) as absences. OSPI recognizes that districts may need to modify local board policies and procedures and their CEDARS submission technology to accommodate this emergency rule and may therefore need to continue submitting data under the definition of the former WAC and CEDARS reporting guidance for some period of time in the 2017–18 school year. If you have questions regarding CEDARS reporting relative to this emergency rule, or the subsequent permanent rule, please contact Lisa Ireland, Research Analyst at lisa.ireland@k12.wa.us or (360) 725-6358.

TIMELINE

Activity	Date
Filing of CR 102 – Begin Public Comment Period for Permanent Rule	August 23, 2017
Emergency Rule Filing & Effective	August 25, 2017
17–18 CEDARS Manual and Reporting Guidance Update	September, 2017
Public Hearing on Permanent Rule	October 31, 2017, 1 p.m.
Public Comment Period Ends	October 31, 2017, 5 p.m.

The 2017–18 CEDARS manual and reporting guidance will be updated with the emergency rule for this school year (2017–18), and will be available in September. OSPI anticipates that the permanent rule will be in place and effective for the 2018–19 school year. OSPI will be working with stakeholders to revise the CEDARS manual and reporting guidance to reflect and further define the permanent rule, if needed.

EMERGENCY AND PROPOSED RULE LANGUAGE

To view the proposed rule language, please visit this link:

[Proposed rule language](#)

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To view the CR-102 (Notice of Proposed Rulemaking) for the permanent rule, please visit this link:

[CR-102 \(Notice of Proposed Rulemaking\)](#)

To view the CR-103E (Emergency Adoption), please visit this link:

[CR-103E \(Emergency Adoption\)](#)

WRITTEN COMMENTS

Written comments regarding the proposed permanent rule amendments are encouraged. Written comments must be submitted to the Secondary Education and K–12 Supports office by mail, email, or fax on or before October 31, 2017 by 5 p.m. at:

Krissy Johnson
Secondary Education and K–12 Supports
Office of Superintendent of Public Instruction
PO Box 47200
Olympia WA 98504-7200
Email: krissy.johnson@k12.wa.us

PUBLIC HEARING

A public hearing to receive comments regarding the proposed language will be held as follows:

October 31, 2017
1 p.m.
Office of Superintendent of Public Instruction
Brouillet Conference Room – 4th Floor
600 Washington St. SE
Olympia, WA 98504-7200

To arrange accommodations for persons with disabilities, please contact Kristin Murphy by October 24, 2017 at 360-725-6133 or TTY 360-664-3631 or by email at kristin.murphy@k12.wa.us.

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.

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For questions regarding CEDARS reporting, please contact Lisa Ireland, at 360-725-6358 or email lisa.ireland@k12.wa.us.

This bulletin is also available on the OSPI website at <http://www.k12.wa.us/BulletinsMemos/bulletins2017.aspx>.

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

Tennille Jeffries-Simmons
Assistant Superintendent
System and School Improvement

Dixie Grunenfelder
Director
Secondary Education and K–12 Supports

CR: kj

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