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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

November 16, 2020

(X) Action Required

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BULLETIN NO. 091-20 SYSTEM AND SCHOOL IMPROVEMENT

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers
School Principals
District Excessive Absenteeism and Truancy Liaisons
District CEDARS Administrators
Attendance Clerks

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Emergency Absence Rulemaking

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

PURPOSE/BACKGROUND

The Office of Superintendent of Public Instruction (OSPI) filed an emergency rule updating the definition of absence for the 2020–21 school year. The rule, [WAC 392-401A](#), is effective beginning November 9, 2020. This is an extension of the emergency rule filed on August 13, 2020. OSPI has initiated formal rulemaking to adopt a permanent rule.

Key Updates

- The non-truancy remote learning absence period is extended until March 1, 2021 and is retroactive to October 5, 2020.
- During this time period, absences from remote learning that are not excused may not accrue for the purposes of filing a truancy petition.
- Absences from remote learning that meet the criteria in [WAC 392-401A-020](#) are excused absences.

SUMMARY OF CHANGES

Non-truancy Remote Learning Absence Extended

The period of the non-truancy remote learning absence is extended through February 28, 2021.

If an absence from remote learning does not meet the criteria for an excused absence in [WAC 392-401A-020](#) during this period, districts will consider it a non-truancy remote learning absence. OSPI will re-evaluate this policy in February to determine if it needs to be extended for the remainder of the school year.

The use of the non-truancy remote learning absence has been extended due to feedback from districts, families, and partners reporting unprecedented levels of unexcused absences. Ensuring that attendance records are accurate and verifying whether absences are excused or unexcused is proving to be challenging and time consuming for districts. Many families and students are struggling with the multiple challenges of remote learning.

The extension of the non-truancy remote learning absence category will provide districts additional time to refine their attendance and engagement strategies, including the provision of tiered supports and interventions as required under the emergency rule and [Chapter 28A.255 RCW](#). Only accrued unexcused absences from in-person learning, not non-truancy remote learning absences, can result in districts filing a truancy petition as required under [Chapter 28A.255 RCW](#).

Data Reporting

The non-truancy remote learning absence is retroactive to October 5. Districts are required to report these absences to CEDARS. Starting, October 5, 2020, districts should report non-truancy remote learning absences as unexcused if the absence does not meet the criteria for an excused absence in [WAC 392-401A-020](#). If the absence does meet the criteria for an excused absence in [WAC 392-401A-020](#), districts should report these absences as excused. CEDARS guidance will be updated with this information on how to report non-truancy remote learning absences from October 5 forward.

Truancy Petitions

Students engaged in remote learning will not be accrue unexcused absences until March 1, 2021 and therefore will not meet the statutory definition of truant and will not be eligible for a truancy petition to be filed on them or their parents.

Students who have seven unexcused absences in a month or ten unexcused in the school year accrued during in-person (non-remote) learning are eligible to have a truancy petition filed with the juvenile court as stated in [Chapter 28A.255 RCW](#).

ATTENDANCE TAKING AND TIERED SUPPORT REQUIREMENTS

Districts will continue to follow these requirements:

- Take and track attendance daily.
- Verify the absence is an excused absence.
- Implement a tiered support plan to respond to student absences.

Districts should continue to expect parents to excuse their students' absences and communicate to students that attendance is expected in remote learning, while continuing to seek to understand and address barriers to attendance and engagement.

Tiered supports must include:

- Monitoring daily attendance.
- Verifying contact information of families.
- Outreach and communication that identifies students' needs.
- Universal supports.
- A system to address barriers and provide support in increasing intensity for students at-risk of or experiencing chronic absence including school and district engagement teams, community truancy boards, and referral to community resources.

Students are still in need of high expectations as well as consistent connection and support from their school when students have not been attending. Districts will be required to follow the legally required steps in the law in response to unexcused absences starting March 1, unless the emergency rule is extended to the end of the school year. Districts are strongly encouraged to continue following these legally required steps in the interim, without filing a truancy petition. They are:

- Schedule a conference with the parent to identify and address the barriers to attendance.
- Administer a needs assessment to gather more data on the causes of absences.
- Offer interventions based on assessment/screener information from parent conference.
- Establish an attendance agreement with commitments from all (school, parents, student).
- Host an attendance workshop for multiple families.
- Invite the student and parent or guardian to a community truancy (or engagement) board.
- Partner with court administration to expand the team of caring adults to connect and attempt to re-engage the student.

Find additional resources and guidance on the [OSPI Attendance webpage](#).

WITHDRAWING STUDENTS & APPORTIONMENT

Districts are not required to withdraw students from enrollment if they do not meet the requirements for claiming them for state funding. Districts cannot claim a student for funding if they have not attended at least once in the twenty consecutive school days prior to the count day, however districts are NOT directed or required to withdraw, drop or unenroll the student.

Districts are encouraged to take steps that will enable them to track students even if they cannot claim them for funding. This will ensure districts can communicate with families, attempt to secure the student's reengagement, and reduces the barrier of re-enrolling when the student does start attending again.

EMERGENCY RULE LANGUAGE

The emergency rule language for [Chapter 392-401A WAC](#) is available on the OSPI website. This is a temporary emergency rule. OSPI has initiated the formal rulemaking process to adopt a permanent rule. The rulemaking process for the permanent rule will allow for public comment and include a public hearing. Documents and notices will be posted on the [OSPI Rule Making webpage](#).

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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