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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

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(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

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a district's multi-tiered system of support for attendance, including a system for monitoring students who have been withdrawn from school for nonattendance.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