



REPORT TO THE LEGISLATURE

# Mandatory School Attendance and Truancy Amelioration in Online Schools

2016

**Authorizing legislation:** Second Substitute House Bill 2449  
(<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/House%20Passed%20Legislature/2449-S2.PL.pdf>)

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## Executive Summary

Washington state has a firm tradition ensuring that all students attend schools. The so-called “Becca Bill,” passed in 1995, provides penalties if a student has too many unexcused absences.

Since then, the state has seen a large increase in alternative learning experience (ALE) programs, which give students a chance to be educated in a nontraditional setting, whether it’s a single course or an entire school.

While attendance and truancy are not difficult to determine in a traditional classroom setting, they present a challenge with ALE programs. Recognizing this, the Legislature in 2015 passed Second Substitute House Bill 2449. The bill updated Becca and tasked the Office of Superintendent of Public Instruction (OSPI) with developing recommendations on defining attendance and truancy for online schools, which are one type of ALE program.

To honor the overall intent of SSHB 2449, OSPI believes that the recommendations must address the two other types of ALE programs: site-based courses and remote courses. Without the changes, we may not know the attendance of students enrolled in an ALE program. For example, currently a loophole exists in which parents and schools can transfer students indiscriminately among ALE program types to avoid attendance and truancy responsibility. That completely contradicts the spirit of the Becca bill and the state’s paramount duty to educate all students.

What follows is a brief description of applicable laws, along with OSPI’s six recommendations.

## Introduction

As defined in Washington Administrative Code [392-121-182](#):

“Alternative learning experience” means a course, or for grades kindergarten through eight, grade-level course work, that is a delivery method for the program of basic education and is:

(A) Provided in whole or in part independently from a regular classroom setting or schedule.”

(B) Supervised, monitored, assessed, evaluated, and documented by a certificated teacher employed by the school district or charter school, or under contract as permitted by applicable rules; and

(C) Provided in accordance with a written student learning plan that is implemented pursuant to the school district's or charter school's policy and this chapter.

The WAC identifies three Alternative Learning Experience (ALE) program types:

(A) "Online course" means an alternative learning experience course that has the same meaning as provided in RCW [28A.250.010](#).

(B) "Remote course" means an alternative learning experience course or course work that is not an online course where the student has in-person instructional contact time for less than twenty percent of the total weekly time for the course.

(C) "Site-based course" means an alternative learning experience course or course work that is not an online course where the student has in-person instructional contact time for at least twenty percent of the total weekly time for the course.

Although attendance and truancy are not difficult to determine in the face-to-face classroom, defining truancy in an ALE program type is challenging to establish. In 2015 the state Legislature passed [Second Substitute House Bill 2449](#), which updated laws that apply to truancy. Section 16 requires the Office of Superintendent of Public Instruction (OSPI) to develop recommendations on attendance and truancy for online schools. But honoring the intent of SSHB 2449 requires recommendations that address all three types of ALE. In addition, consistent rules will lessen a loophole that allows parents and schools to transfer students indiscriminately among the types of ALE to avoid attendance and truancy responsibility.

### Truancy in the Alternative Setting

A uniform definition of attendance in programs designed to take place in whole or in part away from the regular classroom or setting is key to developing truancy protocols in the same setting. With legislative authority, OSPI can create regulations that would bring consistency and uniformity to attendance and truancy definitions in the ALE setting and then establish procedures for addressing truancy in the ALE.

## Recommendations to the Legislature

Revised Code of Washington (RCW) Chapter [28A.225](#) addresses Compulsory School Attendance and Admission. What follows are six recommendations for how the mandatory school attendance and truancy amelioration provisions under the chapter could be applied in ALE settings, including online schools. With legislative authority, OSPI would develop the corresponding rule(s).

1. Grant the Superintendent of Public Instruction explicit statutory authority to promulgate regulations that bring consistency and uniformity to attendance and truancy definitions in the ALE setting; establish procedures for addressing truancy in all ALE program types; leverage existing systems to facilitate truancy actions between school districts and courts when the student has transferred out of his or her resident district to enroll in ALE; and clarify the responsibility of school districts in the event of a rescindment of a student transfer.

**Rationale:** If consistency and uniformity exist in ALE definitions, procedures, and responsibilities of school districts with regard to truancy, systems can be used to effectively reduce truancy for students engaged in ALE programs.

2. Amend RCW [28A.225.015](#) as follows:

4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old children whose parents enroll them ~~full-time~~ half time (0.5 FTE or more) in public school...

**Rationale:** If rules only apply to full time students, districts can enroll students at 0.99 FTE and circumvent attendance requirements and truancy action while still claiming FTE.

3. Amend RCW [28A.225.020](#) as follows:

(2) For purposes of this chapter, an "unexcused absence" means that a child:  
(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and  
(b) Has failed to meet the school district's policy for excused absences.  
(c) Has failed to comply with ALE program attendance requirements as described by the superintendent of public instruction.

**Rationale:** If specific language is created to address attendance in the ALE setting, appropriate attendance monitoring and truancy action for the ALE environment can be

realized as attendance in the ALE setting differs significantly from the traditional brick and mortar school.

4. Amend RCW [28A.225.030](#) as follows:

(1) If a child under the age of seventeen is required to attend school under RCW [28A.225.010](#) and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court in the county where the student resides alleging a violation of RCW 28A.225.010...

**Rationale:** If the truancy petition is filed in the county where the student resides, then effective response can be taken by the local court and truancy board. Action filed in a county different from where the student lives compromises follow up action by the truancy board as interaction by the student and parent with the truancy board is a significant part of the remediation activities.

**Note:** New rules written by OSPI will include requirements of truancy personnel in the district where the student attends and the district where the student resides to actively communicate any and all truancy response activities.

Because requiring a truant ALE student's resident district to take action under RCW 28A.225.030 may impose some new costs on the district, the statute and rule revision should include a hold harmless mechanism to mitigate costs.

5. Amend RCW [28A.225.020](#) as follows:

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW [28A.225.030](#), and [28A.225.015](#). The sending school district shall provide this information to the receiving school, together with a copy of any previous assessment as required under subsection (1)(c) of this section, history of any best practices or researched-based intervention previously provided to the child by the child's sending school district, and a copy of the most recent truancy information including any online or written acknowledgment by the parent and child, as provided for in RCW [28A.225.005](#). All school districts will use the Standard Choice Transfer Form for releasing a student to a nonresident school district for the purposes of accessing an ALE program.

**Rationale:** Legislation passed in 2013 directed OSPI to create a standard form to be used by all districts for Choice Transfers for online school enrollments (RCW [28A.250.070](#)). If the Standard Choice Transfer System is required for all transfers requested for the purpose of accessing an ALE program, the existing system database can be leveraged for consistent reporting and as a communicating mechanism between school districts to ensure critical attendance/truancy information is shared with appropriate school district personnel.

6. Amend [28A.250.070](#) as follows:

Nothing in this chapter is intended to diminish the rights of students to attend a nonresident school district in accordance with RCW [28A.225.220](#) through [28A.225.230](#) for the purposes of enrolling in ~~online courses or online school programs~~ Alternative Learning Experience programs. The office of online learning under RCW 28A.250.030 shall develop a standard form, which must be used by all school districts, for releasing a student to a nonresident school district for the purposes of enrolling in an ~~online course or online school program~~ Alternative Learning Experience program.

**Rationale:** If the Standard Choice Transfer System is required for all transfers requested for the purpose of accessing an ALE program, then the existing system database can be leveraged for consistent reporting and as a communicating mechanism between school districts to ensure critical attendance/truancy information is shared with appropriate school district personnel.

## Conclusion and Next Steps

To effectively address truancy amelioration in the ALE setting, the Office of Superintendent of Public Instruction recommends changes to RCW 28A.225 as described and further recommends legislative action to grant the agency authority to promulgate regulations that would bring consistency and uniformity to attendance and truancy definitions in the ALE setting; establish procedures for addressing truancy in all ALE program types; leverage existing systems to facilitate truancy actions between school districts and courts when the student has transferred out of his or her resident district to enroll in ALE; and clarify the responsibility of school districts in the event of a rescindment of a student transfer.

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# APPENDICES

## Appendix A: References

SSHB2449

<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/House%20Passed%20Legislature/2449-S2.PL.pdf>

RCW 28A.225 <http://apps.leg.wa.gov/RCW/default.aspx?cite=28A.225>

RCW 28A.250

<http://apps.leg.wa.gov/rcw/default.aspx?cite=28A.225>

WAC 392-121-182

<http://apps.leg.wa.gov/WAC/default.aspx?cite=392-121-182>

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