

# OSPI Rule Making Public Hearing

## Public Hearing and Comment Period for Rule Making

OSPI will hold a public hearing for proposed changes to rules, also known as Washington Administrative Code (WAC). Changes to the following WAC chapters or sections are being considered:

- **WAC 392-401-020, concerning absences and mental health**

The purpose of the hearing and comment period is to provide the public with an opportunity to comment on the proposed changes to the WAC/rule language. **Please review the proposed changes before submitting comments or testifying.**

## Participating in the Public Hearing and Comment Period

Due to ongoing public health concerns caused by the COVID-19 virus, the public hearing will be held online, via Zoom. An in-person hearing (physical location) will not be available.

**You can participate in the rules hearing and comment period by:**

**1. Submitting written comments by Tuesday, May 24, 2022:**

- **Email:** [bridget.underdahl@k12.wa.us](mailto:bridget.underdahl@k12.wa.us) (please include "Rules" in email subject line)
- **Mail:** OSPI, Attn: Bridget Underdahl, PO Box 47200, Olympia, WA 98504

**2. Attend the public hearing (webinar).** Please follow the link below to register to participate in the hearing. Once registered, you will receive the hearing link via email.

- [Tuesday, May 24, 2022 at 3:00 p.m. \(hearing registration link\)](#)
- If you plan to testify during the hearing, please indicate that when you register. For those testifying, each person will have up to five (5) minutes to comment during the hearing. Please ensure your comments are specific to the proposed WAC language.

For questions about the rules hearing process, please contact the OSPI Rules Coordinator, Kristin Murphy, at [Kristin.murphy@k12.wa.us](mailto:Kristin.murphy@k12.wa.us).



**WAC 392-401-020 Excused absences.** (1) Absences due to the following reasons must be excused:

(a) Physical health or mental health symptoms, illness, health condition or medical appointment ((including, but)) for the student or person for whom the student is legally responsible. Examples of symptoms, illness, health conditions, or medical appointments include, but are not limited to, medical, counseling, mental health wellness, dental, optometry, pregnancy, and behavioral health treatment (which can include 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) Post-secondary, 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.

(2) 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, absences due to the following reasons must be excused:

(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 be-

cause of school facility closures, until other arrangements can be made; and

(d) Absences due to the student's parent's work schedule or other obligations during regularly scheduled school hours, until other arrangements can be made.

(3) 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 criteria in subsections (1) and (2) of this section and school district policy for an excused absence.