



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: August 13, 2021

TIME: 9:06 AM

WSR 21-17-088

**Agency:** Office of Superintendent of Public Instruction (OSPI)

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** The purpose of this rule making order is to 1) establish a definition of absence concerning synchronous and asynchronous instruction, 2) establish excused absences that pertain only during times of emergency school facility closures where districts are required to provide synchronous and asynchronous instruction, and 3) establish the minimum criteria of a district's multi-tiered system of support for attendance.

**Citation of rules affected by this order:**

New: 392-401-011, -012, -016, -018, -038, -040, -045

Repealed:

Amended: 392-401-005, -010, -015, -020

Suspended:

**Statutory authority for adoption:** RCW 28A.300.046 and ESHB1113 (2021) section 3.

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 21-13-127 on June 22, 2021 (date).

Describe any changes other than editing from proposed to adopted version: WAC 392-401-005 - Purpose section edited to provide more clarity and use plain speak; WAC 392-401-018 – Daily attendance taking section edited to clarify intent is this section applies specifically to synchronous and asynchronous instruction. WAC 392-401-045 - Multitiered system of support for attendance subsection (1) edited to specify these are minimum requirements only; WAC 392-401-045 (2)(d)(ii) edited to state that the assigned person to conduct outreach can be a district or school designee, and the outreach can happen in coordination with community partners or other programs; WAC 392-401-045 (iv) edited to remove reference to juvenile court and department of children youth and families; WAC 392-401-045 (v) edited to remove reference to filing a truancy petition and add the early intervention requirements from the law, namely parent communication, truancy screener and best practice interventions.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	<u>7</u>	Amended	<u>4</u>	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** August 10, 2021

**Name:** Chris Reykdal

**Title:** State Superintendent of Public Instruction

**Signature:**

