



# 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: May 03, 2018

TIME: 9:06 AM

WSR 18-11-011

**Agency:** Office of Superintendent of Public Instruction

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) August 1, 2018 (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 permanent rule is to establish a definition of absence in public schools that is in line with the federal definition and to create consistency across Washington schools regarding when a student is absent and which absences should be excused.

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

New: Chapter 392-401 WAC  
 Repealed: WAC 392-400-325  
 Amended:  
 Suspended:

**Statutory authority for adoption:** 28A.300.046

**Other authority:**

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

Adopted under notice filed as WSR 18-06-104 on 3/7/18 (date).

- Describe any changes other than editing from proposed to adopted version:
- WAC 392-401-012 was deleted.
- WAC 392-401-015 (2) was revised to state:
  - “A student is not absent if:
    - (1) If they have been suspended, expelled, or emergency expelled pursuant to chapter 392-400 WAC; and
    - (2) Are receiving educational services as required by RCW 28A.600.015 and chapter 392-400 WAC; and
    - (3) The student is enrolled in qualifying “course of study” activities as defined in chapter 392-121-107 WAC.”
- WAC 392-401-015 (4) was revised to state: “A school or district shall not convert or combine tardies into absences that contribute to a truancy petition.”
- WAC 392-401-015 (5) was deleted.
- WAC 392-401-020 (1) was deleted.

WAC 392-401-020 (10) was edited to align with the changes in WAC 392-401-015 (2). It was revised to state: “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 chapter 392-121-107 WAC.”

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	<u>1</u>	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>5</u>	Amended	___	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:** 5/3/18

**Name:** Chris Reykdal

**Title:** State Superintendent of Public Instruction

**Signature:**

