

Old Capitol Building  
PO Box 47200  
Olympia, WA 98504-7200



Washington Office of Superintendent of  
**PUBLIC INSTRUCTION**  
Chris Reykdal, Superintendent

k12.wa.us

August 13, 2020

( ) Action Required  
(X) Informational

BULLETIN NO. 064-20 Office of System and School Improvement

TO: Educational Service District Superintendents  
School District Superintendents  
School District Business Managers  
School Principals  
District Excessive Absenteeism and Truancy Liaisons  
District CEDARS Administrators  
Attendance Clerks

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Emergency Rulemaking – Definition of Absence

CONTACT: Krissy Johnson, Attendance & Truancy Program Supervisor  
360-725-6045, [krissy.johnson@k12.wa.us](mailto:krissy.johnson@k12.wa.us)

## PURPOSE/BACKGROUND

The Office of Superintendent of Public Instruction (OSPI) filed an emergency rule updating the definition of absence for the 2020–21 school year. The rule, WAC 392-401A, is effective beginning August 13, 2020. Soon, OSPI will initiate a formal rulemaking to adopt a permanent rule. The emergency rule includes:

- Definition of absence from remote instruction
- Daily attendance taking
- An expanded list of excused absence categories specific to the COVID-19 pandemic
- A new non-truancy absence code
- The provision of tiered supports for students accruing absences

Attendance is a critical building block for student learning. If students are not present, they cannot engage in learning. Attendance is a leading indicator of equity that signals when students might need additional support and areas for system and school improvement. The statutory purpose for establishing attendance and absence definitions is to make certain that educators have access to meaningful data in order to ensure student safety and reduce

chronic absenteeism. This rule affirms this purpose by ensuring educators have the information they need to provide supports to students. Attendance practices are not punitive in nature and should not be used as such.

A further purpose of this rule is to establish the minimum criteria of the attendance system that each school district must implement in the 2020–21 school year as required by the State Board of Education in its newly adopted definition of instructional hours under WAC 180-16-200(4).

## SUMMARY OF THE RULE

### Definition of Remote Learning Absence

The emergency rule defines a remote absence as when a student is not participating in planned instructional activities on a scheduled remote learning day. The rule provides examples of what student participation could look like in order to be counted as present, including, but not limited to:

- Daily logins to learning management systems;
- Daily interactions with teacher(s) to acknowledge attendance (including messages, emails, phone calls, or video chats); or
- Evidence of participation in a task or assignment.

Student presence is determined by engaging in planned asynchronous or synchronous activities. If a student does not engage or demonstrate participation in any way, the student would be marked as absent. The new definition most closely approximates in-person learning by establishing when a student has been exposed to a remote learning activity, as opposed to completing or mastering a concept. When a student is not engaging in any way with a class or activity, it tells us something different than when a student is engaging or attempting to engage; a student who is not engaging at all requires a different response from school staff. The rule does not change the definition of in-person absence.

### Daily Attendance Taking

The emergency rule establishes that districts must take daily attendance for all students participating in remote and in-person learning.

Daily attendance data is a leading indicator that provides frequent and actionable data to inform educators and schools of barriers students are facing. It can signal a need for additional support or flag where the student is experiencing challenges with our system(s). This signal is even more critical during the COVID-19 pandemic, where responding to weekly contact or a less frequent data point is not sufficiently responsive to address inequities and barriers for students furthest from educational justice and resources.

### Additional Reasons an Absence is Excused Due to the COVID Pandemic

The new chapter outlines several new reasons that a student’s absence would be considered excused due to COVID circumstances, including an ill family member, lack of access to necessary instructional tools, parents’ work schedule, or a student’s obligations to their family.

The expanded list of excused reasons is intended to be responsive to the unprecedented situations families and students find themselves in due to COVID-19. The new reasons provided in the rule can signal to districts when flexibility is needed. This flexibility for students and families will prevent unnecessary involvement in the judicial system due to unexcused absences.

### Non-Truancy Remote Learning Absence Until October 4

The new chapter directs districts to mark any absence from remote learning as a “non-truancy remote learning absence,” that is neither excused nor unexcused until October 4, 2020. On October 5, districts must differentiate between excused and unexcused remote absences.

This change to the rule is intended to provide a transitional period during which a student who is absent from remote learning is not marked as unexcused so that the truancy process is not engaged at the beginning of the school year. This transition period will allow families, students, and districts to re-calibrate schedules, expectations, and routines that have been disrupted and are possibly changing frequently due to COVID, remote learning, and access to childcare.

### Tiered Response System

The new chapter includes new requirements for districts to implement a tiered response system to reduce chronic absenteeism, which must include universal supports, monitoring daily attendance, verifying contact information of families, outreach and communication that identifies students’ needs, the development of plans and a system to address barriers, and provide support in increasing intensity for students at-risk of or experiencing chronic absence.

This change to the rule is intended to strengthen the efforts of schools and districts to proactively respond to student absences in a timely and supportive manner. OSPI recognizes that truancy responses are sometimes too punitive, focused on compliance and do not address all students’ needs. COVID-19 has presented an opportunity to build systemic responses to all absences that seek to support, engage, and reengage students where needed.

## TIMELINE

Activity	Date
Emergency Rule Filing	August 13, 2020
OSPI Attendance FAQ	Week of August 17
2020–21 CEDARS Manual and Reporting Guidance Update	September 2020

This is a temporary emergency rule. OSPI will soon initiate a formal rulemaking process to adopt a permanent rule. The rulemaking process for the permanent rule will allow for public comment and include a public hearing. Documents and notices will be posted on the [OSPI Rule Making webpage](#).

The 2020–21 CEDARS Manual and reporting guidance will be updated to reflect the changes in the new chapter and will be available in September. OSPI is not planning to add new valid values to data collection to accommodate these changes.

## EMERGENCY RULE LANGUAGE

The emergency rule language for [Chapter 392-401A WAC](#) is available on the OSPI website.

## INFORMATION AND ASSISTANCE

For questions regarding this bulletin, please contact Krissy Johnson, Attendance and Truancy Program Supervisor, at 360-725-6045 or email [krissy.johnson@k12.wa.us](mailto: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.

Michaela W. Miller, Ed.D., NBCT  
Deputy Superintendent

Tennille Jeffries-Simmons  
Assistant Superintendent  
Office of System and School Improvement

Dixie Grunenfelder  
Director  
K12 System Supports

CR: kj

*OSPI provides equal access to all programs and services without discrimination based on sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, disability, or the use of a trained dog guide or service animal by a person with a disability. Questions and complaints of alleged discrimination should be directed to the Equity and Civil Rights Director at 360-725-6162/TTY: 360-664-3631; or P.O. Box 47200, Olympia, WA 98504-7200; or [equity@k12.wa.us](mailto:equity@k12.wa.us).*