

Attendance & Truancy

Frequently Asked Questions

ABOUT THIS FAQ

This guidance is supplemental to existing OSPI information regarding [Attendance](#) and [OSPI Continuous Learning 2.0+ guidance](#). The most up-to-date agency guidance pertaining to COVID-19 is located on OSPI's [COVID-19 Guidance & Resources webpage](#).

OSPI ATTENDANCE GUIDING PRINCIPLES

- Attendance is foundational to student learning
- Absences can reflect inequities created by our systems
- Absences can signal when a student or family might need more support
- Absences are a signal that cue us to take an inquiry stance and get curious about why students aren't attending
- Students and families are often our best source of information to understand how to increase attendance and engagement
- Absences reflect when students have not accessed instruction
- Responding to absences is more effective when it is positive and proactive, not punitive

QUESTIONS & ANSWERS

Should a student be marked present if they are quarantined due to COVID and engaging in asynchronous learning?

No. A student is excused absent if they are required to quarantine, and the district is unable to provide synchronous online instruction. This excusal includes students that are not provided any educational services as well as students that are provided homework packets or other asynchronous assignments. These absences should be reported to CEDARS as excused absences.

When a student is quarantined and the school district provides access to synchronous online instruction and the student attends, then the student is present. For more guidance related to students in quarantine, see [OSPI's Continuous Learning 2.0+ Guidance 2020-21](#) and the [OSPI Enrollment Reporting Handbook](#).

Are schools required to hold elementary parent conferences after 5 excused absences for students that are in quarantine?

No. Students that are quarantined have generally been directed or guided by school and health authorities to not attend school for health and safety reasons. The excused absence conferences



required in [RCW 28A.225.018](#) are not required when prior notice has been given, or a doctor's note has been provided and a plan has been put in place so that the child doesn't fall behind. Students that are quarantining, in general, do not fall under the intent of the excused absence elementary school conferences. A quarantine period should be considered prior notice.

Note: this statute is NOT intended to direct schools to request or require a doctor's note for each student that is quarantined.

If a student does have five or more excused absences in elementary school, with no prior notice or without a doctor's note and a plan put in place, these absences can be addressed at parent-teacher conferences if the conferences are within thirty days of the absences. Parent conferences may also take place by phone. The intent of the excused absence conference is to raise awareness about the importance of attendance in the early years, build a bridge between the school and family, and provide an opportunity to explore barriers to attendance or opportunities for problem solving.

What can districts do about excessive excused absences?

For many valid reasons, students are absent from school. However, even when there is communication from the parent, absences add up and can significantly impact a student's opportunity and progress towards learning. Student absences are one of several key signals to educators that a student might not be on track for educational success. To that end, in addition to the legal requirements for elementary excused absence requirements, there is regulatory support for districts to address excessive excused absences.

[RCW 28A.225.020\(2\)](#) establishes district authority to create policies for excused absences.:

- (2) For purposes of this chapter, an "unexcused absence" means that a child:
 - (a)(i) 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
 - (ii) Has failed to meet the school district's policy for excused absences.

[WAC 392-401-020](#) also clarifies that a school principal or designee has the authority to determine if an absence meets the criteria for an excused absence as outlined in this section of the WAC and their school district policy for excused absences.

OSPI supports and encourages best practices to address absences with support, data-based interventions, accommodations, and communication, as part of a school and district's tiered system for attendance. By not excusing absences, it begins the truancy process, where the same efforts are still required, and there is a possible engagement with the court.

Should a student who is absent due to concern about the health risk of COVID be excused?

Yes. If a parent indicates that the reason the student is absent is because the family is concerned that the student will be exposed to COVID, the absence should be excused. This falls under [WAC 392-401-020](#) excused due to safety concerns unless the student's absences fall under the district's policies and expectations regarding excessive excused absences.

Districts can and are encouraged to put a plan in place for any student who is missing a significant amount of school for this reason. If a family has other health considerations, a 504 evaluation should be considered.

If the pattern continues, or the parent has indicated that they are waiting until their student can attend the district's online/virtual program, the school or district should contact the parent to discuss the safety concerns. The school or district can provide information about the COVID mitigation strategies the district and school are using, explore if there are other barriers that can be addressed, or resources/supports that can be brought to bear to address the parent or student's concern, and when appropriate, discuss with the parent other educational program options including other online programs or home-based instruction (HBI).

The district should be sure to communicate its policy on withdrawing students and truancy, in a timely fashion, so that the family is aware of the possibility of being withdrawn by a certain date, and the possibility of a truancy petition if the parent does not enroll their student in another education program after being withdrawn.

Does coding a student's absence as quarantine violate HIPAA laws?

Schools are generally not considered covered entities under HIPAA, and in the instance when they are, they typically don't have access to "protected health information" (PHI). This is because the records they keep are considered education records, not medical records. However, education records are protected by FERPA, and therefore FERPA regulations apply.

Districts must make a determination if the student's COVID illness or COVID quarantine status is part of the student's education record and as such protected under FERPA. For further guidance, see the US Department of Education's [Joint Guidance on the Application of the Family Educational Rights and Privacy Act \(FERPA\) And the Health Insurance Portability and Accountability Act of 1996 \(HIPAA\) To Student Health Records](#).

Can a truancy petition be filed after 7 unexcused absences in a month or 15 unexcused absences in a year?

Yes. State law requires schools to take action under [RCW 28A.225.020](#) in an effort to substantially reduce unexcused absences prior to filing a truancy petition. Districts may allow time to complete the required steps even if it delays filing a truancy petition.

Duties under [RCW 28A.225.020](#) include, but are not limited to, notification to parents when the student is absent, holding a conference with the parent and student to understand the reasons for the absences and the creation of a plan to reduce the absences, the application of the WARNS or other assessment (if in middle school & high school), and taking data-informed steps as appropriate to reduce the student's absences. See OSPI's [Legally Required Steps for Elementary](#) and [Legally Required Steps for Secondary](#).

If the school or district is working on engaging the student and parent through these legally required steps, a petition can be filed after the 15 unexcused absences in a month. Districts are not relieved of these duties even if the student is withdrawn from enrollment due to the district's policy on withdrawing for nonattendance.

These required duties under [RCW 28A.225.020](#) must be documented. If school districts are unable to complete the steps because the family cannot be reached, the attempts must be documented prior to filing a truancy petition.

If a student has an IEP or 504 plan and the student's IEP or 504 team determines that a functional behavior assessment (FBA) is necessary, or if a student is referred for an IEP or 504 evaluation, the compulsory attendance statute states that time should be given for the FBA or initial evaluation to be completed, and for a plan to be put in place and initiated. This additional time allows districts to prioritize the timeline of the IEP or 504 process over the timeline of absence thresholds in the truancy law ([28A.225.020\(1\)\(c\)\(ii\) and \(iii\)](#)).

Can a district file a truancy petition on a student that has not enrolled this year, but is still believed to live in the district?

Yes. Washington state law requires that parents enroll their students (between the ages of 8 and 17) in public school, private school or has filed an intent to provide home-based instruction with their resident school district. Districts should attempt to engage the family and support them to enroll in one of these options, including providing information about the educational program options available to the student, even if it is not in the district or is home-based instruction (HBI), prior to filing a truancy petition. Districts are strongly encouraged to invite families to a Community Engagement Board and/or engage community partners to engage with the family prior to the filing of a petition.

Note: Families have until September 15 to file an intent to provide home-based instruction with their school district ([RCW 28A.200.010](#)). See [OSPI's Home-based Instruction page](#) and the available [online learning options](#) for more information.

Are districts required to withdraw students after 20 days of nonattendance?

No. OSPI has the following requirements and recommendations that impact district withdrawal practices.

Apportionment. Apportionment requirements do not direct or require school districts to withdraw students from their classes or the school. Apportionment guidelines only require that the district cannot claim these students for state funding. See the [OSPI Enrollment Reporting webpage](#) for more details.

CEDARS. CEDARS reporting guidance states that school districts have the flexibility to define minimum enrollment thresholds for their students (e.g. when to withdraw students) in their district policy. For CEDARS data reporting, a threshold of 20 consecutive full days of unexcused absences is suggested as the minimum amount of time to keep a student enrolled prior to withdrawing the student for non-attendance. (For more details, see Non-Attendance Withdrawal section of the [CEDARS Reporting Guidance 2021-22](#) pg. 26)

Absence Rules. [Chapter 392-401 WAC](#) requires districts to conduct outreach and attempt to reengage students even if they have been withdrawn.

As a reminder, OSPI does not direct or require districts to keep students enrolled. Districts are encouraged to keep students in their systems as a way to continue outreach and reengagement. That will look different depending on the district and the student information system. OSPI is working on forthcoming guidance that will provide details on options to accomplish this, based on experience from several districts.

Did OSPI change the definition of a full day absence?

No. OSPI defines a full day absence for the purposes of reporting absences to CEDARS. The definition of a full day absence is when a student fails to attend the majority of hours or periods in their average school day (50% or greater of the day absent). This definition can be found in the [OSPI CEDARS Manual](#).

Is the definition of an unexcused absence for the purposes of truancy different than a full day absence for reporting to CEDARS?

Yes. [RCW 28A.225.020 \(2\)](#) defines an unexcused absence as when a student 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.

Is there a state definition of a tardy?

No. This is locally determined. Common tardy thresholds are 5 – 10 minutes late.

Do OSPI absence rules mean that a student can never be marked absent if they are tardy?

No. [WAC 392-401-040](#) states that a school or district shall not convert or combine tardies into absences that contribute to a truancy petition. Schools and districts are still able to mark a student absent after a certain threshold if their local student information system can differentiate absences due to a tardy and absences where the student does not attend the class at all.

Local systems must be able to exclude tardy absences from a report that is used for the purposes of filing a truancy petition. Some districts approach this by using a tardy code (e.g. Missed Most of Class or Tardy Absence), allowing a school to differentiate these absences, and respond/intervene accordingly.

CONTACT INFORMATION

Please contact Krissy Johnson at krissy.johnson@k12.wa.us with your questions, concerns or feedback on this FAQ.

For more information, please visit the [OSPI Attendance webpage](#) and sign up for the [OSPI Attendance newsletter](#) to receive new guidance and resources to support attendance.