

NEW CHAPTER 392-401A WAC:
Statewide Definition of Absence, Excused, and Unexcused for the 2020-21
School Year
Side-by-Side Comparison of Emergency and Permanent Rule

Section	Permanent Rule	Emergency Rule
Purpose	WAC 392-401-005 Defines absence to support data collection and address chronic absenteeism.	WAC 392-401A-005 Attendance and participation are building blocks to learning and is a leading indicator of equity. Defines absence to support data collection to address chronic absenteeism and establish minimum criteria of the attendance system each school district must implement under WAC 180-16-200(4).
Authority	WAC 392-401-010 The authority for this chapter is RCW 28A.300.046, which requires the superintendent of public instruction to adopt rules establishing a standard definition of student absence from school.	WAC 392-401A-010 The authority remains the same.
Scope and application		WAC 392-401A-011 This chapter supersedes chapter 392-401 WAC; in effect for the 20-21 school year. Chapter does not apply to students enrolled in an alternative learning experience.
General definitions		WAC 392-401A-012 Defines both in-person and remote learning. Remote learning is when daily learning activities are delivered through remote learning modalities, including, but not limited to, distance learning, hybrid classrooms, rotating



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		schedules, and other methods that allow for the delivery of basic education services during the COVID-19 epidemic. Remote learning activities may be synchronous or asynchronous.
Definition of absence from in-person learning	WAC 392-401-015 A student is absent when they are: (a) Not physically present on school grounds; and (b) Not participating in the following activities at an approved location: (i) Instruction; (ii) Any instruction-related activity; or (iii) Any other district or school approved activity that is regulated by an instructional/academic accountability system, such as participation in district-sponsored sports. A student is not absent if: suspended, expelled, and receiving educational services that are aligned with a qualified "course of study" defined in WAC 392-121-107. A full day absence is when a student is absent for fifty percent or more of their scheduled day. Districts shall not convert or combine tardies into absences if it would lead to a truancy petition.	WAC 392-401A-015 Definition remains the same as the permanent rule. Language is added to clarify it pertains to in-person learning.
Definition of absence from remote learning		WAC 392-401A-016 A student is absent from remote learning when they are not participating in planned instructional activities on a scheduled remote learning day. Evidence of student participation in remote learning may include, but is not limited to:



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		(a) Daily logins to learning management systems; (b) Daily interactions with the teacher to acknowledge attendance (including messages, emails, phone calls or video chats); or (c) Evidence of participation in a task or assignment.
Daily attendance taking		WAC 392-401A-018 Districts must take daily attendance for all students participating in remote and in-person learning.
Excused absences	WAC 392-401-020 Absences due to the following reasons must be excused: a) Illness, health condition or medical appointment (including, but not limited to, medical, counseling, dental, optometry, pregnancy, and 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;	WAC 392-401A-020 New reasons for excused absences were added, in addition to those in permanent rule. They are: (m) Absences related to the student's illness, health condition, or medical appointments due to COVID-19; (n) Absences related to caring for a family member who has an illness, health condition, or medical appointment due to COVID-19; (o) Absences related to the student's employment or other family obligations during regularly scheduled school hours that are temporarily necessary due to COVID-19 until other arrangements can be made, including placement in a more flexible education program; (p) Absences due to the student's parent's work schedule or other obligations during regularly scheduled school hours, until other arrangements can be made; (q) Absences due to the student's lack of necessary instructional tools, including internet broadband access or connectivity; (r) Other COVID-19 related circumstances as determined between school and parent or emancipated youth.

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	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; and l) 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. A school principal or designee has the authority to determine if an absence meets the above criteria for an excused absence. 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 above criteria for an excused absence. Districts may define additional categories or criteria for excused absences.
Unexcused absences	WAC 392-401-030 Any absence from school is unexcused unless it meets one of the criteria provided in WAC 392-401-020.	WAC 392-401A-030 Any absence from in-person learning is unexcused unless it meets one of the criteria provided in WAC 392-401A-020. WAC 392-401A-035 Unexcused absences from remote learning. Absences from remote learning must be marked as a "non-truancy remote learning absence" until October 4, 2020.



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		Such absences shall not be marked as excused or unexcused. Beginning October 5, 2020, any absence from remote learning is unexcused unless it meets one of the criteria in WAC 392-401A-020.
Data reporting		WAC 392-401A-038 Districts must report absences to OSPI through CEDARS as outlined in the CEDARS Data Manual.
Student Absences – General Requirements		WAC 392-401A-040 Language from permanent rule moved to new section. Students are not absent if suspended or expelled and receiving educational services aligned with "course of study" activities as defined in WAC 392-121-107. Districts shall not convert or combine tardies into absences if it would lead to a truancy petition.
Tiered response system		WAC 392-401A-045 Districts must implement a tiered response system to reduce chronic absenteeism and address barriers to student engagement in learning during the COVID epidemic. Required strategies as part of a response system include: monitoring daily attendance (excused and unexcused), verifying contact information, daily notification of absences to parents, an outreach process to determine and support student need, and differentiated supports that address barriers to attendance and participation.

