

OSPI Emergency Rule Overview and Q & A

November 23, 2020



Washington Office of Superintendent of
PUBLIC INSTRUCTION



Emergency Rule – WAC 392-401A
Effective Nov. 9, 2020

What did this emergency rule do?

- The non-truancy remote learning absence period is extended until March 1, 2021 and is retroactive to October 5, 2020.
- Absences from remote learning that are not excused may not accrue for the purposes of filing a truancy petition.
- [Bulletin 091-20](#)



Why did OSPI make this change?

Record level of unexcused absences were being reported to OSPI

Unexcused absences are not necessarily valid (not actually absences and/or may be excused)

Asynchronous attendance taking and verification is proving challenging AND

Puts districts in a position of discretionary filing of truancy petitions; can't file on all students.

How is this non-truancy remote learning absence period different from the first that ended Oct. 5?

- Absences from remote learning that meet the criteria in [WAC 392-401A-020](#) are excused absences.
- Districts should continue the practice and expectation of excusing absences.



How will these absences be reported to CEDARS?

- Non-truancy remote learning absences that are not excused should be reported as unexcused to CEDARS;
- If remote learning absences are excused, they should be reported to CEDARS as excused.



What should we do with the unexcused absences between Oct. 5 & now?

- Likely they've already been reported to CEDARS as unexcused
- We need you to know that those absences must not be treated as unexcused absences for the purposes of a truancy petition
- Retroactive changes in your system are up to you and what's useful to you

Do districts still need to follow the legally required steps for truancy for in-person absences?

Yes. The non-truancy remote learning absences only apply to remote learning days (either full remote or remote days in a hybrid schedule).

Said another way: Does the non-truancy remote learning absence apply to in-person absences for a student on a hybrid schedule?

- No. The non-truancy remote learning absences does not apply to in-person absences as part of a hybrid schedule.
- The rule defines in-person and remote learning absences. The non-truancy absence is “absence from remote learning”, which happens when the student “is not participating in planned instructional activities on a scheduled remote learning day.”
- “In-person learning”, on the other hand, is when instructional activity is planned and delivered under the supervision of school district staff and on school grounds”, and the rules explicitly provide when a student is deemed absent from in-person learning.

Do we still take daily attendance?

Yes. The requirement to take daily attendance has not changed. Districts must take daily attendance for students participating in remote, hybrid or in-person learning.

Do we still have to withdraw students if we cannot claim them for funding?

- No. Districts are **not** required to withdraw students from enrollment if they do not meet the [requirements for claiming a student](#) for state funding. Districts are encouraged to maintain students in their local system even if they cannot claim the student for state funding. This enables districts to communicate with families, attempt to secure the student's reengagement, and reduces the barrier of re-enrolling when the student does start attending again.

Are we still required to have a tiered response system in place?

Yes. The tiered response system must include:

Monitoring daily attendance data

Verifying current contact information of families

Daily notification of absences to parents

Outreach to determine student needs

Universal supports for all students and tiered interventions for students at-risk of and experiencing chronic absence, including school and district engagement teams, community truancy boards, and referral to community resources.

Should districts still do Community Truancy Boards and other truancy interventions?

Districts are strongly encouraged to continue the legally required steps in the law including:



Will OSPI extend the non-truancy remote learning absence again?

- In January and February, we will be checking with you to see how things are going.
- We are planning now for a seamless transition.

Has the definition of Attendance/Participation in Remote Learning changed?

No. A student is absent when not participating in planned instructional activities on remote learning day; participation can be synchronous or asynchronous

Participation includes, 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

Have the reasons for excused absences changed?

No.

- the student's illness, health condition, or medical appointments due to COVID-19
- caring for a family member who has an illness, health condition, or medical appointment due to COVID-19
- the student's employment or other family obligations during regularly scheduled school hours that are temporarily necessary due to COVID-19
- the student's parent's work schedule or other obligations during regularly scheduled school hours
- the student's lack of necessary instructional tools, including internet broadband access or connectivity
- other COVID-19 related circumstances

Key Resources



[District Resources Padlet](#)



[Strategies for Connecting with Students & Families](#)



[Distance Learning Connecting Hierarchy](#)

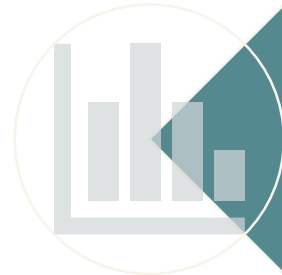


[Updated Attendance Playbook during COVID](#)

Key Resources Continued



[Using Video to Assess Student Interaction](#)
(Infographic)



[GATE Webinars: Foundations of Tribal Sovereignty & Promising Practices in Native Education](#)



[Recognizing and Reporting Child Abuse in Online Settings](#) (DOH)



Questions or Comments?

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- Connect with your [district truancy liaison](#)
- [OSPI Attendance Website](#)