



Absence Rules FAQ

The Office of Superintendent of Public Instruction (OSPI) has adopted the new Chapter 392-401 of the Washington Administrative Code (WAC) that contains substantial changes to the absence rules. This chapter defines an absence and reasons for excused absences.

OSPI adopted the absence rules on May 3, 2018. The rules became effective on August 1, 2018. Review the adopted absence rules [here](#).

DEFINITION OF ABSENCE

Absence. The new proposed Chapter 392-401 WAC defines an absence as when a student is:

- (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.

FAQ: *Does this new definition mean a student who is skipping class but still on campus should be considered present or not absent?*

OSPI recommends that the phrase “not physically present on school grounds” be broadly interpreted to mean a student that is not in their assigned or expected setting, including while on school property. Therefore, a student that is skipping class but still on campus should be considered **absent**.

ABSENCES DURING SUSPENSIONS & EXPULSIONS

Absences during Suspensions and Expulsions. The rules include new language on absences due to a suspension or expulsion. The language states:

Students shall not be absent if:

- (a) They have been suspended, expelled, or emergency expelled pursuant to chapter [392-400](#) WAC;
- (b) Are receiving educational services as required by RCW [28A.600.015](#) and chapter [392-400](#) WAC; and

(c) The student is enrolled in qualifying "course of study" activities as defined in WAC [392-121-107](#).

FAQ: *If a student is receiving educational services while on a suspension or expulsion, do we report them as not absent or present?*

The criteria for determining if an absence due to an exclusion should be reported or considered an absence is based on the rigor of educational services (e.g. aligned with Course of Study WAC), not the length of time, as determined by the new discipline rules. Even if a school is meeting the criteria for educational services, as defined by [WAC 392-400-610](#), a student may still be considered excused absent. In order to be considered present, the student must be participating in educational services that are qualifying "course of study" activities, such as instruction or an ALE program, or other relevant services defined in [WAC 392-121-107](#).

For example, if a student is suspended for 3 days and:

- 1) they are sent home with homework from each of their courses or subjects,
- 2) they have access to school personnel who can offer support to keep the student current, and
- 3) they have the opportunity to make up any missed assignments/test;

This would meet the requirement for provision of educational services, yet it would still be marked as an excused absence.

FAQ: *What types of services meet the criteria for educational services?*

WAC 392-400-610 provides new details on what constitutes educational services, based on the length of the exclusion. See the WAC language or the [New Student Discipline Rules Q & A: A Technical Guide](#) document on the OSPI Student Rules webpage.

FAQ: *If a student is offered educational services, yet does not participate, should they be marked as unexcused absent?*

At this time, students should not be considered or marked unexcused absent, whether they participate in educational services or not.

FULL DAY ABSENCE

Full Day Absence. A full day absence is defined as a student missing fifty percent or more of their scheduled day.



TARDIES

Accumulation of Tardies for Truancy Petition. The permanent rule language states that a school or district shall not convert or combine tardies into absences that contribute to a truancy petition.

FAQ: *Do the new rules mean a student can never be marked as absent, even if they show up to class 45 minutes late or right before the end of the period?*

Schools and districts are still able to mark a student absent after a certain threshold, **IF** their local Student Information Systems 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 are approaching this change by creating a new tardy code (e.g. Missed Most of Class or Tardy Absence), allowing a school to differentiate these absences, and respond/intervene accordingly. The district or school could consider responding with alternative action such as a student conference, assigning them a service activity, pairing them with a mentor, or “Saturday school.”

FAQ: *Is there a state definition of a tardy?*

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

ADDITIONAL CATEGORIES OF EXCUSED ABSENCES

Additional Categories of Excused Absences. The permanent rule has several new categories of excused absences, including:

- Medical appointments or absences due to: counseling, in-patient, out-patient for mental health or chemical dependency, or pregnancy
- Court-ordered activities
- Foster care or dependency status
- Migrant status
- Safety concerns including bullying

For the complete list of excused categories, please see [WAC 392-401-020](#).

FAQ: *Does this mean any absence of a migrant student or student that is in foster care should be considered excused?*

Not necessarily. The absences should be excused if they are directly related to the students' migrant or foster care status. The same holds true for a student that is homeless.

FOR MORE INFORMATION

To view the new Absence Rules, find them [here](#).

For resources, tools & best practices, visit the [OSPI Attendance webpage](#).

Please contact Krissy Johnson at krissy.johnson@k12.wa.us or (360) 725-6045 with any questions.



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