

Attendance & Truancy Frequently Asked Questions

ABOUT THIS FAQ

This guidance provides answers to commonly asked questions. It is supplemental to other OSPI guidance on Attendance & Truancy requirements topics which can be found on the [OSPI Attendance Policies, Guidance and Data Reporting webpage](#).

OSPI ATTENDANCE GUIDING PRINCIPLES.....	2
QUESTIONS & ANSWERS	2
Can a student’s grade be reduced due to lack of attendance? (<i>Updated 9/5/2023</i>)	2
Are districts required to withdraw students after 20 days of nonattendance? (<i>Updated 9/5/2023</i>).....	3
Should a student be marked present if they are quarantined due to COVID and engaging in asynchronous learning?	3
Are schools required to hold elementary parent conferences after 5 excused absences for students that are in quarantine?.....	4
What can districts do about excessive excused absences?.....	4
Should a student who is absent due to concern about the health risk of COVID be excused?....	5
Does coding a student’s absence as quarantine violate HIPAA laws?.....	6
Can a truancy petition be filed after 7 unexcused absences in a month or 15 unexcused absences in a year?.....	6
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?	7
Did OSPI change the definition of a full day absence?.....	7
Is the definition of an unexcused absence for the purposes of truancy different than a full day absence for reporting to CEDARS?.....	7
Is there a state definition of a tardy?.....	7
Do OSPI absence rules mean that a student can never be marked absent if they are tardy?.....	8
CONTACT INFORMATION	8



OSPI ATTENDANCE GUIDING PRINCIPLES

- Attendance and engagement are foundational to student learning
- Absences tells us when a student has not accessed instruction
- Absences are a critical early warning indicator that:
 - can reflect inequities that are caused by or perpetuated by our systems or
 - when a student and family might need more support
- We have an opportunity to get curious about why students aren't attending
- Students and families are our best partners to understand the barriers to attendance
- Schools and districts have lots of opportunity for prevention and intervention before involving the court

QUESTIONS & ANSWERS

Can a student's grade be reduced due to lack of attendance? (Updated 9/5/2023)

Typically, OSPI does not prescribe grading practices, as this is the role of local school boards (which is impacted by state law and OSPI administrative rules.) However, state statute and rules do establish requirements regarding attendance and grading.

[RCW 28A.600.030 – Grading Policies-Option to consider attendance.](#)

Each school district board of directors may establish student grading policies which permit teachers to consider a student's attendance in determining the student's overall grade or deciding whether the student should be granted or denied credit. Such policies shall take into consideration the circumstances pertaining to the student's inability to attend school. However, no policy shall be adopted whereby a grade shall be reduced or credit shall be denied for disciplinary reasons only, rather than for academic reasons, unless due process of law is provided as set forth by the superintendent of public instruction under [RCW 28A.600.015](#).

[WAC 392-400-115 – Completing academic requirements.](#)

A school district may not:

- (1) Suspend the provision of educational services to a student in response to behavioral violations; or
- (2) Administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements.

OSPI interprets policies and practices that reduce points or withhold credit in response to absences (e.g. after 10 days of absences, excused or unexcused) to be disciplinary responses to the behavior of nonattendance, and therefore these practices are in conflict with [RCW 28A.600.030](#) and [WAC 392-400-115\(2\)](#) as outlined above. In short, while a student's absences

may naturally impact the student's grade—including, in some cases, causing a student to fail a class— districts may not adopt policies that effectively withhold credit from a student in response to the behavior of not attending, even if the student would otherwise maintain a passing grade. If the student was able to attempt or complete the assignment or coursework like other students, they cannot be academically penalized for nonattendance. As stated in the RCW above, districts can establish grading policies that account for learning that can only take place through participation in class (like a lab or group project).

It is also important to keep in mind that, frequently, students can have unexcused absences on record that signify communication between the school and family are not occurring successfully, whether it be a language barrier or other reasons. Often unexcused absences reflect underlying causes that have yet to be identified and require more communication and possibly additional support from the school.

Are districts required to withdraw students after 20 days of nonattendance? (Updated 9/5/2023)

No. OSPI does not require that districts withdraw students from enrollment for apportionment purposes on count day (e.g. the fourth school day of September and the first school day in October – June). OSPI also does not require that districts withdraw students after 20 days or at the beginning of the school year for CEDARS reporting.

Districts are encouraged to keep students in their systems as a way to continue outreach and reengagement. Attendance data is a critical way to keep students in our sphere of attention.

For additional guidance on this topic, see the [OSPI Webinar on Withdrawing Students](#) and the updated guidance: [OSPI State Requirements that Impact Student Enrollment and Withdrawal](#).

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 progress towards learning. To that end, in addition to the legal requirements for [elementary excused absences](#), there is regulatory authority for districts to address excessive excused absences.

[RCW 28A.225.020\(2\)](#) establishes district authority to create policies addressing 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](#) outlines the reasons student absences must be excused. This rule 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.

Therefore, a district is authorized to establish a policy that would stop excusing absences, even if the reason for the absence is articulated in [WAC 392-401-020](#). Districts are strongly encouraged

to develop a policy and procedure to address excessive excused absences; and ensure that families and students are aware of them.

If a district does not have a policy, please consider the following recommendations and best practices:

- Establish standard or consistent responses at specific thresholds of absences (e.g. at 5 absences, we will... at 10 absences we will...)
- Invite parent/guardian to a conference to understand and address the absences; together, develop that outlines the commitments and supports the school will provide, the commitments the parent and student will make, and the outcome if there are future absences
- Provide supports and address barriers in order to support the student to attend more regularly

If absences do not improve, schools can stop excusing the absences, in accordance with their district policy or school procedure or practice, if every effort has been made to communicate this to the family. This would start the truancy process, which also requires screening, interventions, and possibly the filing of a truancy petition.

OSPI strongly recommends that schools attempt to engage families and students in a dialogue about the causes of the absences before making the decision to stop excusing absences.

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.

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 the Attendance team at Attendance@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.