

Sept 2020

Policy Alert

UPDATES

Essential

- 3122/3122P – Excused and Unexcused Absences-
- 3205P – Sexual Harassment of Students Prohibited

Encouraged

- 3414/3414P – Infectious Diseases
- 3418/3418P – Response to Student Injury or Illness
- 5610P – Substitute Employment Procedure
- 6512/6512P – Infection Control Program

Discretionary

- 1321R Suspension of Policies – District Reopening

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Absence and Remote Learning

The Office of Superintendent of Public Instruction (OSPI) has adopted emergency rules that define absence in the context of remote instruction and address daily attendance taking. The emergency rules also offer an expanded list of excused absence categories specific to the COVID-19 pandemic, provide a new non-truancy absence code, and address tiered supports for students accruing absences. The emergency rules are intended to give educators access to meaningful data so they can ensure student safety and reduce chronic absenteeism.

OSPI is also undertaking the permanent rulemaking process to address these same issues in permanent rules. The permanent rulemaking process will include a public hearing and provide an opportunity for public comment. The permanent rule process can be lengthy. Meanwhile, the emergency rules are already in effect and will remain in effect for the 2020-2021 school year. To reflect these important changes, WSSDA has revised **Model Policy and Procedure 3122/3122P – *Excused and Unexcused Absence***. You can learn more about the emergency rules from OSPI's [Guidance](#) and [FAQ](#) documents.

COVID-19 and Infectious Disease Management

WSSDA has revised several model policies that involve infectious disease management to reflect official health guidance related to COVID-19. These revisions pertain to **Model Policies and Procedures 3414 / 3414P – *Infectious Diseases*, 3418/ 3418P – *Response to Student Injury or Illness*, and 6512/ 6512P – *Infection Control Program***. WSSDA has also revised **Model Procedure 5610P – *Substitute Employment***. These revisions did not extend to Model Policy 5610 – Substitute Employment.

Additional Revision Related to Title IX Needed

After issuing revisions to Model Policy and Procedure 3205 – Sexual harassment of Students Prohibited last month, WSSDA has continued to study the interplay between our state and federal laws prohibiting sexual harassment. We became concerned that without further revision, districts might misunderstand their ongoing state law obligations, resulting in district noncompliance. Therefore, we further revised **Model Procedure 3205 – *Sexual Harassment of Students Prohibited*** to integrate how to respond when a complaint meets the requirements to be considered a Title IX complaint as well as a complaint under state law.

The revisions clarify that there are two possible paths for investigating a sexual harassment complaint. One path is that the complaint is investigated under state law exclusively. The other path is that the complaint is investigated under both state law and the federal Title IX regulations. There is never a time when districts would investigate a complaint under the federal Title IX regulations exclusively. Please note the revisions pertain solely to the procedure, not the policy.

New Model Resolution

WSSDA has issued new **Model Resolution 1321R – *Suspension of Policies – District Reopening***. This model board resolution is similar to last March's Model Resolutions 1320 – *Suspension of Policies – Emergency*, which expired on the last day of the 2019-2020 school year. Both model resolutions are designed to allow boards to suspend provisions of board policies, and/or whole policies, as necessary to implement official guidance in response to COVID-19.

New resolution 1321R differs from the earlier resolution in that it provides for the suspension of policy as necessary to implement your district's reopening plan. Although WSSDA is also working to revise the model policies to be comprehensive of COVID-19, this resolution provides districts with the flexibility needed for the actual reopening of schools. The resolution further provides districts with the flexibility to pivot to differing instruction models based on changing health conditions in your district's county. This flexibility is crucial as changing health conditions in your county might prevent the implementation of your district's opening plan or require your district to return to remote learning. Please note, Model Resolution 2419R will sunset on December 31, 2020.

Policies Required by Federal Law

Numerous federal laws and regulations require a policy, written procedure, or form. The 2020 chart listing [Policies Required by Federal Law](#) is now available.

Annual Notices

Numerous federal laws require schools to provide students, parents, and/or the public with notices, many of which must be provided at the beginning of the school year. The 2020 list of required [Annual Notices](#) is now available.
