

A BILL

21-508

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes to clarify agency responsibilities with regard to school attendance, to deem an absence of a minor student from a public school unexcused where the school does not obtain an explanation for the absence from the student’s parent or guardian verifying the reason for an absence within five days after a student’s return to school, to prohibit the suspension, expulsion, or unenrollment of a minor from a public school due to an unexcused absence or due to a late arrival to school, to clarify attendance reporting requirements for public, independent, private, and parochial schools, to amend the protocol for a law enforcement officer who comes in contact with a minor and has reasonable grounds to believe the minor is truant, to amend the educational institution referral requirement for Child and Family Services Administration, the Court Social Services Division of the Superior Court of the District of Columbia, and the Office of the Attorney General Juvenile Section to only include unexcused full day absences with regard to attendance, to provide educational institutions with discretion on referrals if a student’s 10th or 15th unexcused absence is accrued within the final 10 school days of the school year; to require the State Superintendent of Education to provide written notice to each public, independent, private, or parochial school outlining the attendance and reporting requirements by August 1 of each year; and to amend Chapter A-21 of Title 5 of the District of Columbia Municipal Regulations to repeal the requirement that a public school notify the Metropolitan Police Department after each occurrence of a student’s 10th unexcused absence, to require that an educational institution obtain an explanation for a student’s absence within five days of the student’s return to school, and to amend the terms “truancy rate” and “chronic absenteeism.”

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “School Attendance Clarification Amendment Act of 2016”.

37           Sec. 2. An Act To provide for compulsory school attendance, of the taking of a school  
38 census in the District of Columbia, and of other purposes, approved February 4, 1925 (43 Stat  
39 806; D.C. Official Code § 38-201 *et seq.*), is amended as follows:

40           (a) Section 1 of Article I (D.C. Official Code § 38-201) is amended as follows:

41                   (1) A new paragraph (1A) is added to read as follows:

42                           “(1A) “Chronic Absenteeism” means the incidence of students missing more than  
43 10% of school days, including excused and unexcused absences.”.

44                   (2) A new paragraph (2B) is added to read as follows:

45                           “(2B) “Full school day” means the entirety of the instructional hours regularly  
46 provided on a single school day.”.

47           (b) Section 1 of Article II (D.C. Official Code § 38-202) is amended as follows:

48                   (1) Subsection (c) is amended by striking the phrase “Superintendent of Schools”  
49 and inserting the phrase “head of the educational institution in which they are enrolled” in its  
50 place.

51                   (2) Subsection (d) is amended by striking the phrase “to govern the validity of  
52 applications for permission to be absent from school,”.

53           (c) Section 2 of Article II (D.C. Official Code § 38-203) is amended as follows:

54                   (1) Subsection (a) is amended by striking the phrase “Superintendent of Schools”  
55 and inserting the phrase “State Superintendent of Education” in its place.

56                   (2) Subsection (b) is repealed.

57                   (3) Subsection (c) is amended as follows:

58 (A) Designate the existing text as paragraph (1).

59 (B) A new paragraph (2) is added to read as follows:

60 “(2) An absence of a minor covered by § 38-202(a) enrolled in a public school is  
61 deemed unexcused unless the minor’s parent, guardian, or other person who has custody or  
62 control of the minor provides the school with a valid excuse for the minor’s absence within five  
63 school days upon the minor’s return to school.”.

64 (4) New subsections (f-1) and (f-2) are added to read as follows:

65 “(f-1) Beginning school year 2016-2017, no minor covered by § 38-202(a) enrolled in a  
66 public school may be expelled or receive an out-of-school suspension due to an unexcused  
67 absence or due to a late arrival to school.

68 “(f-2) Beginning school year 2016-2017, no minor covered by § 38-202(a) enrolled in a  
69 public school, other than an adult education program, may be unenrolled from the local  
70 education agency due to an unexcused absence or due to a late arrival to school unless the minor  
71 has accumulated 20 or more full school day consecutive unexcused absences.”.

72 (5) Subsection (i) is amended by striking the phrase “to the Mayor, or the Mayor’s  
73 designee, and make publicly available, the following data based on the preceding school year:”  
74 in the lead-in language and inserting the phrase “to the Office of the State Superintendent of  
75 Education, and make publicly available the following data for each school or campus under its  
76 authority based on the preceding school year:” in its place.

77 (6) A new subsection (k) is added to read as follows:

78           “(k) By October 1 of each year, the Office of the State Superintendent of Education shall  
79 publicly report on the state of absenteeism in the District based on data from the preceding  
80 school year, including an analysis of truancy and chronic absenteeism by school or campus and  
81 the impact of current laws on improving school attendance.”.

82           (d) Section 4 of Article II (D.C. Official Code § 38-205) is amended to read as follows:

83           “By October 5 of each year, each public, independent, private, and parochial school shall  
84 report to the Office of the State Superintendent of Education the name, address, sex, and date of  
85 birth of each minor who resides permanently or temporarily in the District who is currently  
86 enrolled in their school. By the 5th of every month thereafter, each school shall report any  
87 changes in enrollment, including withdrawals, to the Office of the State Superintendent.”.

88           (e) Section 6(a) of Article II (D.C. Official Code § 38-207(a)) is amended to read as  
89 follows:

90           “(a)(1) A law enforcement officer who has reasonable grounds to believe, based on the  
91 minor’s age and other factors, that a minor is truant from any public, independent, private, or  
92 parochial school on a day and during the hours when the school is in session shall take that minor  
93 into custody and deliver the minor to the public, independent, private, or parochial school where  
94 the minor is presently enrolled, so long as the school is located in the District.

95           “(2) If the minor is not currently enrolled at a public, independent, private, or  
96 parochial school, the law enforcement officer shall take the minor to the District of Columbia  
97 Public Schools placement office.

98                   “(3) If a minor is enrolled in a public, independent, private, or parochial school  
99 located within the District of Columbia, the educational institution shall receive that minor from  
100 a law enforcement officer during the hours when the school is in operation.”.

101                   (f) Section 7 of Article II (D.C. Official Code § 38-208) is amended as follows:

102                   (1) Subsection (a) is repealed.

103                   (2) Subsection (c) is amended as follows:

104                   (A) The lead-in language is amended by striking the phrase “(a) and”.

105                   (B) Paragraph (1) is amended as follows:

106                   (i) Subparagraph (A) is amended as follows:

107                   (I) Strike the phrase “The educational institution” and insert the phrase

108 “Beginning in the 2016-2017 school year, the educational institution” in its place.

109                   (II) Strike the phrase “10 unexcused absences” and insert

110 the phrase “10 unexcused full school day absences” in its place.

111                   (ii) Subparagraph (B) is amended as follows:

112                   (I) Strike the phrase “Beginning in the 2013-2014 school

113 year” and insert the phrase “Beginning in the 2016-2017 school year” in its place.

114                   (II) Strike the phrase “15 unexcused absences” and insert

115 the phrase “15 unexcused full school day absences” in its place.

116                   (C) A new subparagraph (C) is added to read as follows:

117                   “(C) The educational institution shall have discretion with regard to the

118 referral requirements set forth in subparagraphs (A) and (B) of this subsection if a minor student

119 accrues the 10th or 15th unexcused absence, respectively, within the final 10 school days of a  
120 school year.”.

121 (3) A new subsection (d) is added to read as follows:

122 “(d) By July 1 of each year, the State Superintendent of Education shall send written  
123 notice to each educational institution outlining the attendance and reporting requirements  
124 outlined in this subchapter.”

125 Sec. 3. Chapter 21 of Subtitle A of Title 5 of the District of Columbia Municipal  
126 Regulations (5 DCMR § A2100 *et seq.*) is amended as follows:

127 (a) Section A2101.9(a) (5-A DCMR § 2101.9(a)) is repealed.

128 (b) Section A2102.4 (5-A DCMR § 2102.4) is amended to read as follows:

129 “2102.04 An educational institution shall obtain an explanation from the student’s parent or  
130 guardian verifying the reason for an absence within no more than five (5) days upon the student’s  
131 return to school, otherwise the absence shall be deemed unexcused.”.

132 (c) Section A2199.1 (5-A DCMR § 2199.1) is amended by as follows:

133 (1) The definition of “Chronic Absenteeism” is amended to read as follows:

134 “Chronic Absenteeism” – The incidence of students missing more than 10% of  
135 school days, including excused and unexcused absences.”

136 (2) The definition of “Truancy rate” is amended to read as follows:

137 “Truancy rate” – The incidence of students of compulsory attendance age, as  
138 defined by 5-A DCMR 38-202(a), enrolled at a school at any point in a given school year who  
139 are absent without valid excuse as defined by 5-A DCMR § 2102 on ten (10) or more occasions

140 within a single school year, divided by the total number of students of compulsory attendance  
141 age ever enrolled during the corresponding school year.”.

142           Sec. 4. Fiscal impact statement.

143           The Council adopts the fiscal impact statement in the committee report as the fiscal  
144 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
145 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

146           Sec. 5. Effective date.

147           This act shall take effect following approval by the Mayor (or in the event of veto by the  
148 Mayor, action by Council to override the veto), a 30-day period of Congressional review as  
149 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
150 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
151 Columbia Register.