



Chairman Phil Mendelson



Councilmember David Grosso

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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 require educational institutions to obtain an explanation from a student’s parent or guardian verifying the reason for an absence within no more than five days after a student’s return to school; to prohibit the suspension, expulsion, or unenrollment of a minor covered by the compulsory attendance requirement due to an unexcused absence or due to a late arrival to school; to clarify attendance reporting requirements for local education agencies, independent, private, and parochial schools; to repeal D.C. Official Code § 38-204 and 38-205; to amend the protocol for law enforcement officers who come in contact with a minor and has reasonable grounds to believe, based on the minor’s age and other factors, that a 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 days of the school year; to require the State Superintendent of Education to provide written notice to each local education agency, independent, private, or parochial school outlining the attendance and reporting requirements by August 1 of each year; and to make conforming amendments.

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 2015”.

Sec. 2. An Act To provide for compulsory school attendance, of the taking of a school census in the District of Columbia, and of other purposes, effective September 19, 2013 (D.C. Law 20-17; D.C. Official Code § 38-201 *et seq.*), is amended as follows:

1 (a) Section 2 (D.C. Official Code § 38-201) is amended by adding a new paragraph (2B)
2 to read as follows:

3 “(2B) “Full school day” means the entirety of the instructional hours regularly provided
4 on a single school day.”

5 (b) Section 3 (D.C. Official Code § 38-202) is amended as follows:

6 (1) Subsection (c) is amended by striking the phrase “Superintendent of Schools”
7 and inserting the phrase “the head of the local education agency to which they are enrolled” in its
8 place.

9 (2) Subsection (d) is repealed.

10 (c) Section 4 (D.C. Official Code § 38-203) is amended as follows:

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

13 (2) Subsection (b) is repealed.

14 (3) A new subsection (c-1) is added to read as follows:

15 “(c-1) A valid excuse must be provided in writing to the educational institution by
16 the parent, guardian, or other person who has custody or control of a minor covered by § 38-
17 202(a) within no more than five school days upon the minor’s return to school otherwise the
18 absence will be deemed unexcused.”

19 (4) A new subsection (f-1) is added to read as follows:

20 “(f-1) Beginning school year 2016-2017, no minor covered by § 38-202(a) may
21 be expelled, receive an out-of-school suspension, or be unenrolled from an educational
22 institution in which they are enrolled due to an unexcused absence or due to a late arrival to
23 school.”

1 (5) Subsection (i) is amended by striking the phrase “each public, independent,
2 private, or parochial school shall report to the Mayor, or the Mayor’s designee, and make
3 publicly available, the, the following data based on the preceding school year” and inserting the
4 phrase “each local education agency, independent, private, or parochial school shall report to the
5 Office of the State Superintendent of Education, and make publicly available, the following data
6 for each school or campus under its authority based on the preceding school year”.

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

8 “(k) Each independent, private, or parochial schools shall report to the Office of
9 the State Superintendent of Education monthly, the following data for each school or campus
10 under its authority:

11 (A) The number of minors, categorized by grade, or equivalent grouping
12 for ungraded schools, that the school referred to the Child and Family Services Agency pursuant
13 to D.C. Official Code §§ 4-1321.02(a-1) and (a-2);

14 (B) The number of minors categorized by grade, or equivalent grouping
15 for ungraded schools, that the school referred to the Court Social Services Division of the
16 Superior Court of the District of Columbia and to the Office of the Attorney General Juvenile
17 Section pursuant to D.C. Official Code § 38-208(c); and

18 (C) The name, address, sex, and date of birth of each minor who resides
19 permanently or temporarily in the District who enrolls in or withdraws from his or her school.”.

20 (7) A new subsection (l) is added to read as follows:

21 “(l) By October 1 of each year, the Office of the State Superintendent of
22 Education shall publicly report on the state of absenteeism in the District based on data from the
23 preceding school year, including relevant trend analysis.”.

1 (d) Section 5 (D.C. Official Code § 38-204) is repealed.

2 (e) Section 6 (D.C. Official Code § 38-205) is repealed.

3 (f) Section 8 (D.C. Official Code § 38-207) is amended as follows:

4 (1) Subsection (a) is amended to read as follows:

5 “(a)(1)A law enforcement officer who has reasonable grounds to believe, based
6 on the minor’s age and other factors, that a minor is truant from any public, public charter,
7 independent, private, or parochial school on a day and during the hours when the school is in
8 session shall take that minor to the public, public charter, independent, private, or parochial
9 school where he or she is presently enrolled, so long as the school is located in the District.

10 “(2) If the minor is not currently enrolled at a public, public charter,
11 independent, private, or parochial school, the law enforcement officer shall take the minor to the
12 DCPS placement office.

13 “(3) If a minor is enrolled in an educational institution located within the
14 District of Columbia, the educational institution shall receive that minor from a law enforcement
15 officer during the hours when the school is in operation.””

16 (g) Section 9 (D.C. Official Code § 38-208) is amended as follows:

17 (1) Subsection (a) is repealed.

18 (2) Subparagraph (c)(1)(A) is amended as follows:

19 (A) Insert the phrase “Beginning in the 2016-2017 school year,” at the
20 start of the subparagraph; and

21 (B) Strike the phrase “10 unexcused absences” and insert the phrase “10
22 unexcused full school day absences” in its place.

23 (3) Subparagraph (c)(1)(B) is amended as follows:

1 (A) Strike the phrase “Beginning in the 2013-2014 school year” and insert
2 the phrase “Beginning in the 2016-2017 school year” in its place.

3 (B) Strike the phrase “15 unexcused absences” and insert the phrase “15
4 unexcused full school day absences” in its place.

5 (4) A new subparagraph (c)(1)(C) is added to read as follows:

6 “The educational institution shall have discretion with regard to referral
7 requirements set forth in subparagraphs (A) and (B) of this subsection if a minor student accrues
8 the 10th or 15th unexcused absence, respectively, within the final 10 days of a school year.”

9 (5) A new subsection (d) is added to read as follows:

10 “By August 1 of each school year, the State Superintendent of Education shall
11 send written notice to each local education agency, independent, private, or parochial school
12 outlining the attendance and reporting requirements outlined in this subchapter.”

13 Sec. 3. Chapter 21 of Title 5-A of the District of Columbia Municipal Regulations is
14 amended as follows:

15 (a) Section 2101.9(a) is repealed.

16 (b) Section 2101.9(b) is amended to read as follows:

17 “(b) Send the minor’s parent information from the Chief of Police about the compulsory
18 attendance requirements and criminal penalties for violation of the District’s truancy laws and a
19 letter notifying the parent that he or she may be in violation of the school attendance
20 requirements in the District and may be subject to prosecution.”

21 (c) Section 2102.4 is amended to read as follows:

22 “An educational institution shall obtain an explanation from the student’s parent or

1 guardian verifying the reason for an absence within no more than five (5) days upon the student's
2 return to school otherwise the absence shall be deemed unexcused."

3 Sec. 4. Fiscal impact statement.

4 The Council adopts the fiscal impact statement in the committee report as the fiscal
5 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
6 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

7 Sec. 5. Effective date.

8 This act shall take effect following approval by the Mayor (or in the event of veto by the
9 Mayor, action by Council to override the veto), a 30-day period of Congressional review as
10 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
11 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
12 Columbia Register.