

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, 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 5 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 revise 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 revise the educational institution referral requirement for the 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 school 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, and 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 July 1 of each year; to amend the District of Columbia School Reform Act of 1995 to conform it to the prohibitions against expulsion and suspension provided in An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes and the Pre-k Enhancement and Expansion Amendment Act of 2008; and to amend Chapter 21 of Subtitle A 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 5 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 Congressional Review Emergency Amendment Act of 2016".

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

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

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

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

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

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

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

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

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

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

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

(2) Subsection (b) is repealed.

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

(A) The existing text is designated as paragraph (1).

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

“(2) An absence of a minor covered by section 1(a) of this article who is enrolled in a public school is deemed unexcused unless the minor’s parent, guardian, or other person who has custody or control of the minor provides the school with a valid excuse for the minor’s absence within 5 school days upon the minor’s return to school.”.

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

“(f-1) Beginning school year 2016-2017, no minor covered by section 1(a) of this article who is enrolled in a public school may be expelled or receive an out-of-school suspension due to an unexcused absence or due to a late arrival to school.

“(f-2) Beginning school year 2016-2017, no minor covered by section 1(a) of this article who is enrolled in a public school, other than an adult education program, may be unenrolled from the local education agency due to an unexcused absence or due to a late arrival to school unless the minor has accumulated 20 or more full school day consecutive unexcused absences.”.

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

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

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

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

“Sec. 4. By October 5 of each year, each public, independent, private, and parochial school shall report to the Office of the State Superintendent of Education the name, address, sex, and date of birth of each minor who resides permanently or temporarily in the District who is currently enrolled in their school. By the 5th of every month thereafter, each school shall report any changes in enrollment, including withdrawals, to the Office of the State Superintendent of Education.”.

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

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

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

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

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

(1) Subsection (a) is repealed.

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

(A) The lead-in language is amended by striking the phrase “subsections (a) and” and inserting the word “subsection” in its place.

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

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

(I) Strike the phrase “The educational institution” and insert the phrase “Beginning in the 2016-2017 school year, the educational institution” in its place.

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

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

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

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

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

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

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

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

Sec. 3. Section 2206(g) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.06(g)), is amended to read as follows:

“(g) – *Expulsion and suspension.* – The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school; provided, that:

“(1) Consistent with section 2(f-1) of Article II of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat. 806; D.C. Official Code § 38-203(f-1)), no student may be expelled or receive an out-of-school suspension due to an unexcused absence or due to a late arrival to school; and

“(2) Consistent with section 303 of the Pre-k Enhancement and Expansion Amendment Act of 2008, effective June 23, 2015 (D.C. Law 21-12; D.C. Official Code § 38-273.03), no student of pre-k age:

“(A) May be expelled; or

“(B) Receive an out-of-school suspension unless it is determined by a school administrator that the student has willfully caused or attempted to cause bodily injury, or threatened serious bodily injury to another person, except in self-defense; provided, that no student of pre-k age may be suspended for longer than 3 days for any individual incident.”.

Sec. 4. Chapter 21 of Subtitle A of Title 5 of the District of Columbia Municipal Regulations (5 DCMR § A2100 *et seq.*) is amended as follows:

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

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

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

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

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

““Chronic absenteeism” – The incidence of a student missing more than 10% of school days, including excused and unexcused absences.”.

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

“ “Truancy rate” – The incidence of students of compulsory attendance age, as defined by D.C. Official Code § 38-202(a), enrolled at a school at any point in a given school year who are absent without valid excuse as defined by 5-A DCMR § 2102.2 on ten (10) or more occasions within a single school year, divided by the total number of students of compulsory attendance age ever enrolled during the corresponding school year.”.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the School Attendance Clarification Amendment Act of 2016, enacted on June 1, 2016 (D.C. Act 21-411; 63 DCR 8207), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia