



COUNCIL OF THE DISTRICT OF COLUMBIA

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COMMITTEE MEMBER
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Transportation and the Environment

March 28, 2024

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue NW
Washington, DC 20004

Dear Secretary Smith,

Today, I am introducing the Showing Up for Students Amendment Act of 2024. Please find enclosed a signed copy of the legislation, which is co-introduced by Councilmembers Anita Bonds and Vincent Gray.

During the 2022-2023 school year, 43 percent of District students were chronically absent (having been absent, including both excused and unexcused partial and full-day absences, for at least 10 percent of enrolled instructional days.) and 37 percent were truant (having accrued at least 10 full-day unexcused absences during the school year).¹ The statistics are even more stark for high school students, 60 percent of whom were chronically absent and 47 percent of whom were chronically truant. Figures in the report's appendix show that economically disadvantaged students were more than two and a half times more likely to be chronically absent or chronically truant, and that the risk of truancy and absenteeism is significantly higher for students with disabilities, students whose families are eligible for TANF/SNAP, who are under the care of the Child and Family Services Agency, homeless, or overage.

The District's high rates of absenteeism and truancy is the product of many related shortcomings, but one glaring problem is that the process by which we refer students for engagement for unexcused absences fails the vast majority of students and families who enter it. Unlike most other jurisdictions, the District currently requires that students be referred first to adversarial agencies (the Child and Family Services Agency or CFSA for children 13 and younger and the

¹ D.C. Office of the State Superintendent of Education, District of Columbia Attendance Report 2022-23 School Year, Nov. 30, 2023, https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2022-23%20Attendance%20Report_FINAL_0.pdf.

Court of Social Services Division and the Office of the Attorney General for children 14 and older) rather than a social service agency. This causes an administrative delay in addressing the vast majority of cases where legal action is unnecessary and is unlikely to address the cause of absenteeism. CFSA and OAG also do not engage in the vast majority of cases that are referred to them.

In addition, the District's current efforts to counteract absenteeism do not provide sufficient support to local education agencies who are unavoidably the first and most important points of contact for parents and students. And in rare and extreme cases where a parent or guardian is the cause of a child's educational advancement being threatened, the District's legal standards for educational neglect lack enforceable standards.

The Showing Up for Students Amendment Act seeks to address these issues in four ways:

(1) The bill will create a culture in which parents and schools are expected to communicate about a student's absence, while allowing more grace for students' lived experiences. The legislation expands the set of valid excuses to include specific or presumed threats of violence, the serious illness of a family member, housing displacement, and absences relating to family and immigration court proceedings.

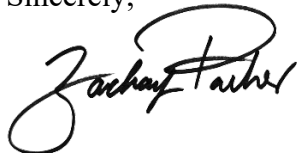
(2) The bill will modify the process for engagement with families of students who accrue unexcused absences. The legislation will shift the burden of referrals from schools to OSSE through automated data systems. OSSE will assume the initial responsibility of referring students with 7 or more unexcused absences in a rolling 120-day period to the Department of Human Services, the agency best placed to link them with services that can address the underlying cause of absenteeism. DHS's assumption of this responsibility will be phased in over two years—starting first with children 14 and up. If DHS's efforts fail, students aged 13 and under will then be referred to Child and Family Services Agency (CFSA) at 20 unexcused absences (referrals to CFSA currently occur after 10 unexcused absences), and students 14 and older will be referred to the Office of the Attorney General (OAG) at 25 unexcused absences (referrals to OAG currently occur after 15 unexcused absences). For any student with more than 20 unexcused absences in a year, the bill will require a summer home visit to explore barriers to attendance and update the student's individualized education plan.

(3) The bill will task District education agencies with providing greater analysis, support, and interagency coordination to reduce absenteeism and truancy. The Office of the State Superintendent of Education (OSSE)'s annual truancy report will be required to include an analysis of root causes, effective interventions, and additional funding needs; OSSE will be required to establish a tiered system of support for school experiencing high rates of truancy or absenteeism; and OSSE will be required to establish attendance incentive programs for District public school students, student organizations, athletic programs, and out-of-school programs. The Deputy Mayor for Education will be required to conduct a biannual review of chronic absenteeism and truancy trends with the Deputy Mayor for Health and Human Services and local education agency leaders.

(4) The bill will adjust the District’s neglect and child supervision standards to ensure that children are not held accountable for the mistakes of adults who fail them and to define the existing concept of educational neglect. To establish that a child is in need of supervision, the bill will require CFSA to demonstrate that District agencies have provided legally required support to a child, including engagement by a student support team, referral to DHS, and implementation of an individualized education plan. The bill will also establish clear parameters for educational neglect—a concept that already exists in D.C. Official Code § 16–2301. The bill will establish that the term “neglected child” includes a child who has 30 or more unexcused absences in any an academic year and whose parent, guardian, or custodian’s ongoing actions or pattern of inaction are the proximate cause of the child’s failure to secure an education.” While the overarching aim of the bill is to significantly reduce reliance on CFSA, these changes ensure that educational neglect cases can be pursued in the rare and extreme circumstances in which they are needed.

I look forward to working with my colleagues on the Council and the Executive to reduce truancy and absenteeism in the District. Please contact my Deputy Chief of Staff, Conor Shaw, at cshaw@dccouncil.gov if you have any questions about this legislation.

Sincerely,

A handwritten signature in black ink that reads "Zachary Parker". The signature is written in a cursive style with a large, looping initial "Z".

Zachary Parker
Ward 5 Councilmember

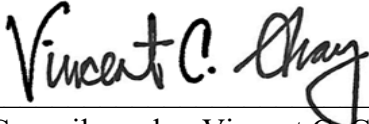
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Councilmember Anita Bonds



Councilmember Zachary Parker



Councilmember Vincent C. Gray

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 improve notification procedures for school absences, require more robust reporting of truancy and absenteeism data, to charge the Office of the State Superintendent for Education with referring students who accrue unexcused absences in the first instance to the Department of Human Services, to provide for subsequent referral to the Child and Family Services Agency or the Office of the Attorney General when a significant number of additional unexcused absences are accrued; to amend the State Education Office Establishment Act of 2000 to require the Office of the State Superintendent for Education to provide tiered support to schools with higher rates of absenteeism and truancy, to require the Office of the State Superintendent for Education to establish an attendance incentive program, and to expand valid excuses for a student’s absence; to amend The Public Education Reform Amendment Act of 2007 to require the District of Columbia Public Schools to update its disciplinary policies to include restorative discipline practices, and to require the Deputy Mayor for Education to convene regular meetings with school leaders regarding effective responses to truancy and absenteeism; and to amend An Act to enact part II of the District of Columbia Code, entitled "Judiciary and Judicial Procedure," codifying the general and permanent laws relating to the judiciary and judicial procedure of the District of Columbia to ensure that families are not facing accountability for District agency failures to provide services to children and to clarify the standard for educational neglect.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Showing Up for Students Amendment Act of 2024”.

43 Sec. 2. An Act To provide for compulsory school attendance, for the taking of a school
44 census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat.
45 806; D.C. Official Code sec. 38–201 *et seq.*), is amended as follows:

46 (a) Sections 5-7 of Article I (D.C. Official Code § 38–203) are amended as follows:

47 (1) Subsection (i) is amended by striking the phrase “Within 60 days after the
48 end of a school year” and inserting the phrase “Within 10 business days of the last school day of
49 each month”.

50 (2) Paragraph (i)(A) is amended by:

51 (A) striking the word “and” in subparagraph (iii)

52 (B) inserting the word “and” after the semicolon in subparagraph (iv)

53 (C) inserting a new subparagraph (v) to read as follows:

54 “(v) three or more days in any 30-day rolling period;”

55 (3) Subsection (k) is amended by inserting the sentence “Beginning in 2024 and
56 each year thereafter, this report shall identify the most common root causes of truancy and
57 chronic absenteeism; the most effective interventions in the district; and an assessment of
58 additional funding that would be needed to meet the unmet identified needs of students at risk of
59 truancy and chronic absenteeism, including home visits, telehealth, clothing, housing vouchers,
60 direct cash assistance, behavioral health services, and reliable transportation.” after the word
61 “attendance.”

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

63 “(d) The Board shall, pursuant to subchapter I of Chapter 5 of Title 2, issue rules to
64 establish requirements to govern acceptable credit for studies completed at independent or
65 private schools and private instruction, to govern the selection and appointment of appropriate

66 staff members to carry out the provisions of this chapter under the direction of the
67 Superintendent of Schools, pursuant to Chapter 6 of Title 1, and in respect to other matters
68 within the scope of authority of the Board that relates to this subchapter. The requirements issued
69 by the Board shall include a requirement that each educational institution shall make at least one
70 attempt to contact the parent, guardian, or other person who has custody of a minor who has an
71 apparent unexcused absence within two business days of the failure of a parent or guardian to
72 provide a valid excuse for absence. An educational institution shall be permitted to meet this
73 requirement by sending an automated text, email, or pre-recorded phone call.”

74 (c) Section 7(c)(1)(A) of Article II (D.C. Official Code § 38–208) is amended to read as
75 follows:

76 “(a) Repealed.

77 “(b) Within 2 business days of the 3rd unexcused absence in any 30 day period, the
78 educational institution shall notify the Office of the State Superintendent of Education which
79 shall provide the parent or guardian with the truancy prevention resource guide created pursuant
80 to § 38-2602(b)(19); provided, that the parent has not previously received the truancy prevention
81 resource guide.

82 “(c) In addition to the requirements set forth in subsection (b) of this section:

83 “(1) (A) Beginning in the 2016-2017 school year, the educational institution
84 shall refer a minor student 5 years of age through 13 years of age to the Child and Family
85 Services Agency pursuant to § 4-1321.02(b)(1)(B) no later than 2 business days after the accrual
86 of 10 unexcused full school day absences within a school year. Beginning in the 2025-2026
87 school year, this subparagraph shall no longer apply.

88 “(B) Beginning in the 2016-2017 school year, the educational institution

89 shall refer a minor student 14 years of age through 17 years of age to the Court Social Services
90 Division of the Superior Court of the District of Columbia and to the Office of the Attorney
91 General Juvenile Section no later than 2 business days after the accrual of 15 unexcused full
92 school day absences within a school year. Beginning in the 2024-2025 school year, this
93 subparagraph shall no longer apply.

94 “(C) The educational institution shall have discretion with regard to the
95 referral requirements set forth in subparagraphs (A) and (B) of this paragraph if a minor student
96 accrues the 10th or 15th unexcused absence, respectively, within the final 10 school days of a
97 school year. Beginning in the 2024-2025 school year, this subparagraph shall no longer apply.

98 “(D) Beginning in the 2024-2025 school year, the Office of the State
99 Superintendent for Education, using attendance data provided by educational institutions, shall
100 refer a minor student 14 years of age through 17 years of age to the Department of Human
101 Services no later than 2 business days after the accrual of 7 unexcused absences in a rolling 120-
102 day period and may make a referral if a minor student has accrued 7 excused or unexcused
103 absences in a school year. Within two business days of referring a student to the Department of
104 Human Services, the Office of the State Superintendent for Education shall notify the
105 educational institution where the student is enrolled of the referral.

106 “(E) Beginning in the 2025-2026 school year, the Office of the State
107 Superintendent for Education, using attendance data provided by educational institutions, shall
108 refer a minor student 5 years of age through 13 years of age to the Department of Human
109 Services no later than 2 business days after the accrual of 7 unexcused absences in a rolling 120-
110 day period and may make a referral if a minor student has accrued 7 excused or unexcused
111 absences in a school year.

112 “(F) By the beginning of the 2024-2025 school year, the Office of the
113 State Superintendent for Education shall establish a process for a parent or guardian to cure an
114 unexcused absence by providing evidence that an unexcused absence was recorded in error.

115 “(2) Within 3 business days of the Office of the Attorney General, Juvenile
116 Section receiving written notification pursuant to paragraph (1)(B) of this subsection, the Office
117 of the Attorney General shall send the minor student’s parent a letter notifying the parent that he
118 or she may be subject to prosecution for violation of the school attendance requirements under
119 this subchapter. Beginning in the 2024-2025 school year, this subparagraph shall no longer
120 apply.

121 “(3) Beginning in the 2024-2025 school year, the Department of Human Services
122 may refer a minor student’s parent or guardian to the Child and Family Services Agency or the
123 Office of the Attorney General if the student incurs three or more additional unexcused absences
124 after the Department of Human Services has made contact with the student’s parent or guardian
125 (or exhausted all reasonable methods of doing so) and the Department of Human Services has
126 not observed meaningful efforts by the student, parent, or guardian to address the root causes of
127 absenteeism.

128 “(4) Beginning in the 2025-2026 school year, the Department of Human Services
129 shall refer a minor student 5 years of age through 13 years of age to the Child and Family
130 Services Agency pursuant to Section 2 of An Act to provide for the mandatory reporting by
131 physicians and institutions in the District of Columbia of certain physical abuse of children (Pub.
132 L. 89-775; D.C. Official Code § 4–1321.02 (b)(1)(B) no later than 2 business days after the
133 accrual of 20 unexcused full school day absences within a school year.

134 “(5) Beginning in the 2024-2025 school year, the Department of Human Services

135 shall refer a minor student 14 years of age through 17 years of age to the Court Social Services
136 Division of the Superior Court of the District of Columbia and to the Office of the Attorney
137 General Juvenile Section no later than 2 business days after the accrual of 25 unexcused full
138 school day absences within a school year.

139 “(6) The Office of the State Superintendent for Education shall have discretion
140 with regard to the referral requirements set forth in subparagraphs (4) and (5) of this paragraph if
141 a minor student accrues the 20th unexcused absence, respectively, within the final 20 school days
142 of a school year.

143 “(7) Within five business days of receiving notification of a referral of a student
144 pursuant to paragraph (1)(B) of this subsection, the Department of Human Services shall provide
145 the Office of the State Superintendent for Education and the educational institution where the
146 student is enrolled with the name and contact information of the case worker assigned.”

147 “(c-1) Beginning in the 2024-2025 school year, a student who accrues 20 or more
148 unexcused absences in the prior school year shall receive a home visit from a student support
149 team or a case worker at the Department of Human Services at least three weeks prior to the start
150 of the next academic year. The home visit shall explore barriers to attendance the previous year
151 and possible interventions, ensure that the student is enrolled at a District school, and update the
152 student’s individualized education plan. To the extent possible, the home visit should include any
153 adult mentors, adult relatives, or service providers whose participation the student and the
154 student’s parent or guardian consents to.

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

158 Sec. 3. Section 3 of the State Education Office Establishment Act of 2000 (D.C. Official
159 Code § 38–2602) is amended as follows:

160 (a) Inserting in subsection (b) the following new paragraphs to read as follows:

161 “(33) Within a year of the effective date of the Youth Support Act of 2024 and every two
162 years thereafter, make publicly available on a website a set of profiles of students who are most
163 at--at-risk of chronic absenteeism and truancy; the root causes of absenteeism and truancy,
164 including, but not limited to, the prevalence of chronic toxic stress among chronically absentee
165 students; and the most effective protective factors and interventions as well as a study of the
166 intersectionality of causes, risk factors, and absence of protective factors for the most at risk
167 quartile of students and the most at risk decile of students.

168 “(34) By the beginning of the 2025-2026 school year, establish a tiered system of support
169 for LEAs experiencing high rates of truancy or absenteeism. That tiered support system shall
170 include:

171 “(A) monthly assessment of absenteeism trends and adjustment of the support
172 provided to District of Columbia public schools and LEAs;

173 “(B) Staff who can assist with case management and referrals to the Department
174 of Human Services;

175 “(C) Coordination with the Deputy Mayor for Education and other District
176 Agencies to assess and address community violence, poor housing conditions, or other causes of
177 absenteeism that are assessed to be the cause of absenteeism for multiple students in the District
178 of Columbia public school system;

179 “(D) Requirements and support for schools conducting summer outreach to
180 students who were chronically absent or truant in the preceding school year.

181 “(35) Establish attendance incentive programs for District public school students, student
182 organizations, athletic programs, and out-of-school programs, including:

183 “(A) Low-cost incentives for individual student attendance, such as adjustments
184 to the length of recess, exceptions to school uniform requirements, or special forms of
185 recognition;

186 “(B) Communal incentives for student organizations or teams that meet regularly
187 between 3pm and 6pm during at least one term of an academic year; and

188 “(C) Awards or other incentives for educators and school staff who merit
189 recognition for the efforts to establish positive relationships with students outside of the
190 classroom.”

191 (b) Inserting a new subsections (e) and (f) to read as follows:

192 “(e) Prior to the 2024-2025 academic year, OSSE shall amend the definition of an
193 “excused absence” at District of Columbia Municipal Regulations § 5-A2102 to include the
194 following circumstances:

195 “(1) The student, the student’s parent or guardian, or another individual residing
196 in the same dwelling as the student was the victim of a crime on the day of the absence or the
197 preceding day;

198 “(2) There is reasonable belief of a specific or presumed threat of violence to the
199 student on the day of the absence;

200 “(3) The student was absent as a result of the serious illness of a parent, guardian,
201 sibling, or grandparent;

202 “(4) The student’s parent or guardian has been permanently displaced from their
203 primary residence and the student is in the process of being enrolled in a different school; and

204 “(5) The student’s absence was the consequence of the removal of a child from
205 the custody of a parent or guardian or delinquency proceedings, including hearings and other
206 court-mandated requirements; and

207 “(6) The student’s absence was the consequence of a proceeding regarding the
208 child’s immigration status, including appointments with legal counsel or immigration authorities
209 that could not be scheduled outside of school hours.”

210 “(f) Beginning in the 2024-2025 academic year OSSE shall record any student's absence
211 as excused if OSSE failed to provide transportation to that student on the day of the absence.”

212 Sec. 4. The Public Education Reform Amendment Act of 2007 (D.C. Law 17-9; D.C.
213 Official Code § 38-170 *et seq.*) is amended as follows:

214 (a) Section 105 is amended by inserting a new subsection (e) to read as follows:

215 “(e) By the beginning of the 2024-2025 school year, the Chancellor shall issue an
216 updated disciplinary policy implementing the requirements of Section 2(c) of the Student Fair
217 Access to School Amendment Act of 2018 (D.C. Official Code § 38–236.03).”

218 (b) Section 202 is amended by inserting a new subsection (h) to read as follows:

219 “(h) Beginning in the 2024-2025 school year, the Deputy Mayor for Education shall
220 convene biannual reviews of chronic absenteeism and truancy trends with local education agency
221 leaders and the Deputy Mayor for Health and Human Services, and coordinate with the Deputy
222 Mayor for Public Safety, violence interruption organizations, community organizations, and
223 other agencies beyond the education and health-and-human-services clusters to address root
224 causes or contributing factors of absenteeism or truancy, including childhood chronic toxic
225 stress, neighborhood violence, road safety, and safe housing.”

226 Sec. 5. Section 1 of An Act to enact part II of the District of Columbia Code, entitled

227 "Judiciary and Judicial Procedure," codifying the general and permanent laws relating to the
228 judiciary and judicial procedure of the District of Columbia (Public Law 88-241; D.C. Official
229 Code § 16–2301 is amended as follows:

230 (a) Paragraph (8) is amended to read as follows:

231 “(8) The term “child in need of supervision” means a child who is in need of care
232 or rehabilitation and—

233 “(A) is subject to compulsory school attendance and habitually truant from
234 school without justification and

235 “(i) the child has been engaged by a school-based student support
236 team as defined in Section 1 of An Act To provide for compulsory school attendance, for the
237 taking of a school census in the District of Columbia, and for other purposes (43 Stat. 806; D.C.
238 Official Code § 38-201(3B)) in the current or preceding academic year;

239 “(ii) the child was referred to the Department of Human Services
240 pursuant to the process established by Section 2(c) of the Youth Support Act of 2024 (D.C.
241 Official Code § 38–208), and the Department of Human Services made contact with the child’s
242 parent or legal guardian (or exhausted all reasonable methods of doing so);

243 “(iii) the child’s unexcused absences are not the manifestation of a
244 disability or the failure of a school to identify the need for and implement an individualized
245 education plan;

246 “(iv) the child’s unexcused absences are not a result of a failure of
247 the District of Columbia to provide transportation in cases where the District of Columbia has a
248 legal responsibility for the transportation of the student;

249 “(v) the child’s unexcused absences are not the product of a failure

250 by the Child and Family Services Agency or agents, including the child's out-of-home
251 placement, to report valid excuses; and

252 “(vi) the child’s unexcused absences are the not the product of
253 undocumented disciplinary exclusion.

254 “(B) has committed an offense committable only by children; or

255 “(C) is habitually disobedient of the reasonable and lawful commands of
256 his parent, guardian, or other custodian and is ungovernable;”

257 (b) Subparagraph (9)(A) is amended as follows:

258 (1) Sub-subparagraph (ii) is amended by striking the phrase “education as
259 required by law.”

260 (2) Sub-subparagraph (ix) is amended by striking the word “or”.

261 (3) Sub-subparagraph (x) is amended by striking the period and inserting “; or”

262 (4) A new sub-subparagraph (xi) is inserted to read as follows:

263 “(xi) who has 30 or more absences in any an academic year that
264 are not subject to a valid excuse as defined by District of Columbia Municipal Regulations § 5-
265 A2102 (regardless of whether those excuses were reported in a timely manner); and whose
266 parent, guardian, or custodian’s ongoing actions or pattern of inaction are the proximate cause of
267 the child’s failure to secure an education.”

268 Sec. 6. Subparagraph (b)(1)(B) of Section 2 of An Act to provide for the mandatory
269 reporting by physicians and institutions in the District of Columbia of certain physical abuse of
270 children (Pub. L. 89-775; D.C. Official Code § 4–1321.02) is amended by striking the phrase “10
271 or more days” and inserting “20 or more days.”

272 Sec. 7. Fiscal impact statement.

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

276 Sec. 4. Effective date.

277 This act shall take effect after approval by the Mayor (or in the event of veto by the
278 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
279 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
280 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
281 Columbia Register.