



MURIEL BOWSER
MAYOR

April 11, 2024

The Honorable Phil Mendelson Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

I am hereby transmitting to the Council of the District of Columbia for its consideration and adoption the enclosed bill entitled “Utilizing Partnerships and Local Interventions for Truancy and Safety (UPLIFT) Amendment Act of 2024”. The legislation’s three-fold purpose is to: (1) address truancy and chronic absenteeism, by streamlining and strengthening our truancy referral process and activating the Department of Human Services to support students and families prior to referrals to the Child and Family Services Agency or the courts, (2) enhance school discipline, and (3) establish stronger accountability.


For the reasons described above, I urge the Council to take prompt and favorable action on the enclosed proposed bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser
Mayor

Enclosure


Chairman Phil Mendelson
at the request of the Mayor

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5 A BILL
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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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15 To amend Section 16-2325.01 of the District of Columbia Official Code to require youth charged
16 with a dangerous crime while armed or having readily available certain dangerous
17 weapons or with a crime of violence and the parents or guardians of the charged youth to
18 participate in a family group conference with the Department of Youth Rehabilitation
19 Services (“DYRS”), to authorize DYRS to create family rehabilitation plans, to require
20 families to participate in certain services pursuant to a family rehabilitation plan, and to
21 require the Court to incorporate a family rehabilitation plan created pursuant to a family
22 group conference into probation orders; to amend Section 16-2305.02 of the District of
23 Columbia Official Code to deem youth ineligible for the adjustment process where the
24 youth has been charged with committing a dangerous crime while armed or having
25 available a knife, pistol, firearm, or imitation firearm; to amend Section 16-2314 of the
26 District of Columbia Official Code to prohibit use of consent decrees where the child is
27 charged with committing a dangerous crime or carrying a pistol without a license; to
28 amend Section 16-2320 to make any child found delinquent as a result of a crime of
29 violence or a dangerous crime while armed ineligible for deferred disposition; to amend
30 the Attendance Accountability Amendment Act of 2013 to clarify disciplinary definitions
31 and policies, including for serious safety infractions for which students in grades 6
32 through 8 can be suspended, and to allow for temporary assignment of between 11 and 45
33 days in an Alternative Educational Setting for students in grades 6 through 12; to amend
34 Article II of An Act To provide for compulsory school attendance, for the taking of a
35 school census in the District of Columbia, and for other purposes to update requirements
36 and processes for referring students with high rates of unexcused absences to District
37 agencies, to include DHS in that referral process before the involvement of the Child and
38 Family Services Agency (“CFSA”) and the Office of the Attorney General (“OAG”) for
39 children ages 5 through 13 and the OAG for youth ages 14 through 17, to require the
40 OAG to take action after a minor has accrued 25 unexcused absences, to include a
41 referral for mandatory participation by the family in a family group conference with
42 DHS, mandatory participation by the family in Alternatives to the Court Experience, or
43 prosecution for violation of legal school attendance requirements; to amend Section
44 2(b)(1)(B) of An Act To provide for the mandatory reporting by physicians and
45 institutions in the District of Columbia of certain physical abuse of children to require
46 that mandated reporters make a report to CFSA where knowing or having reasonable

47 cause to believe that a child 5 through 13 years of age has 20 or more days of unexcused
48 absences; to amend Section 2(d) of the Expulsion of Students Who Bring Weapons Into
49 Public Schools Act of 1996 to clarify the definition of “weapon” and to authorize the
50 promulgation of regulations to expand the definition of “weapon”; to amend subsection
51 (a) of the Prevention of Child Abuse and Neglect Act of 1977 to require that the Office of
52 the Attorney General, Juvenile Section, promulgate an annual report on the number of
53 written notifications provided to families pursuant to D.C. Official Code § 38-208(c);
54 and, to amend Chapter 23 of Title 16 of the District of Columbia Official Code to permit
55 the disclosure of law enforcement records and files concerning a child by the Office of
56 the State Superintendent of Education (“OSSE”) and to permit OSSE to inspect such
57 files.

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59 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
60 act may be cited as the “Utilizing Partnerships and, Local Interventions for Truancy and Safety
61 (UPLIFT) Amendment Act of 2024”.

62 **TITLE I. PARENTAL PARTICIPATION ORDERS**

63 Sec. 101. Section 16-2325.01 of the District of Columbia Official Code is amended by
64 adding a new subsection (h) to read as follows:

65 “(h)(1) In any proceedings under this chapter, for youth who are charged with a
66 dangerous crime while armed with or having readily available a knife, pistol, firearm, or
67 imitation firearm, or a crime of violence, and who are not securely held at a facility under the
68 control of the Department of Youth Rehabilitation Services, the court shall enter an order
69 requiring the charged youth and the parents or guardians of the charged youth to participate in:

70 “(A) A family group conference with the Department of Youth
71 Rehabilitation Services (“DYRS”) for the development of a family rehabilitation plan if such a
72 plan is determined to be needed as a result of the family group conference; and

73 “(B) Any services to be provided to the charged youth and the charged
74 youth’s family pursuant to a needs assessment completed by DYRS during or as a result of the
75 family group conference.

76 “(2) Where a family rehabilitation plan is created pursuant to subparagraph (A) of
77 this paragraph, in any proceedings under this chapter, the family rehabilitation plan shall be
78 incorporated into any further probation orders for the charged youth and the Court shall require
79 that the parents or guardians of the charged youth comply with the terms of the family
80 rehabilitation plan.

81 “(3) For the purposes of this subsection:

82 “(A) The term “dangerous crime” shall have the same meaning as
83 provided in D.C. Official Code § 23-1331(3).

84 “(B) The term “crime of violence” shall have the same meaning as
85 provided in D.C. Official Code § 23-1331(4).”.

86 **TITLE II. LIMITATION ON DIVERSION FOR DANGEROUS CRIMES**

87 Sec. 201. Section 16-2305.02 of the District of Columbia Official Code is amended by
88 adding a new subsection (e) to read as follows:

89 “(e)(1) For the purposes of this section, youth are ineligible for the adjustment process in
90 relation to the present case where, in the present case, the youth has been charged with
91 committing a dangerous crime while armed with or having readily available a knife, pistol,
92 firearm, or imitation firearm.

93 “(2) For the purposes of this subsection, the term “dangerous crime” shall have
94 the same meaning as provided in D.C. Official Code § 23-1331(3).”.

95 **TITLE III. RESTRICTED USE OF CONSENT DECREES, DEFERRED**
96 **ADJUDICATION AGREEMENTS, AND DEFERRED DISPOSITION AGREEMENTS**

97 Sec. 301. Section 16-2314 of the District of Columbia Official Code is amended as
98 follows:

99 (a) The section header is amended by striking the word “decree” and inserting the phrase
100 “decree and delinquency petitions” in its place.

101 (b) A new subsection (e) to read as follows:

102 “(e)(1) For the purposes of this section, a child is ineligible for the relief provided
103 pursuant to subsection (a) of this section in relation to the present case where, in the present case,
104 the child has been charged with committing a dangerous crime or a crime of violence while
105 armed with or having readily available a knife, pistol, firearm, or imitation firearm.

106 “(2) For the purposes of this subsection:

107 “(A) The term “dangerous crime” shall have the same meaning as
108 provided in D.C. Official Code § 23-1331(3).

109 “(B) The term “crime of violence” shall have the same meaning as
110 provided in D.C. Official Code § 23-1331(4).”.

111 Sec. 302. Section 16-2320 of the District of Columbia Official Code is amended by
112 adding a new subsection (i) to read as follows:

113 “(i)(1) No child who is found to be delinquent as a result of a crime of violence or
114 dangerous crime while armed with or having readily available a knife, pistol, firearm, or
115 imitation firearm shall be eligible for deferred disposition but shall instead be subject to
116 disposition by the Division in accordance with subsection (c).

117 “(2) For the purposes of this subsection:

118 “(A) The term “dangerous crime” shall have the same meaning as
119 provided in D.C. Official Code § 23-1331(3).

120 “(B) The term “crime of violence” shall have the same meaning as
121 provided in D.C. Official Code § 23-1331(4).”.

122 **TITLE IV. STUDENT CONDUCT INTERVENTIONS AND ALTERNATIVE**
123 **EDUCATIONAL SETTINGS**

124 Sec. 401. The Attendance Accountability Amendment Act of 2013, effective September
125 19, 2013 (D.C. Law 20-17; D.C. Official Code § 38-236.01 *et seq.*), is amended as follows:

126 (a) Section 201 (D.C. Official Code § 38-236.01) is amended as follows:

127 (1) Paragraph (1) is redesignated as paragraph (1A).

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

129 “(1) “Alternative Educational Setting” means an educational program other than
130 that in which the student was enrolled prior to disciplinary action.”.

131 (3) Paragraph (5) is amended to read as follows:

132 “(5) Emotional distress” means significant mental suffering or distress that may,
133 but does not necessarily, require medical or other professional treatment or counseling;

134 (4) Paragraph (13)(A) is amended to read as follows:

135 “(A) The term “out of school suspension” includes:

136 “(i) An involuntary dismissal; or

137 “(ii) Placement in an Alternative Educational Setting.”.

138 (5) Paragraph (18) is redesignated as paragraph (18A)

139 (6) A new paragraph (18) is added to read as follows:

140 “(18) “Serious incident” means:

141 “(A) Behavior that causes or is an attempt to cause serious bodily harm to
142 another;

143 “(B) Behavior by a student that a school administrator reasonably believes
144 constitutes a criminal act; or

145 “(C) Bringing a weapon, as that term is defined at D.C. Official Code §
146 38–234, into a District of Columbia Public School or public charter school.”.

147 (b) Section 204 (D.C. Official Code § 38-236.04) is amended as follows:

148 (1) Subsection (a) is amended as follows:

149 (A) Paragraph (1) is amended by striking the phrase “through 5, and
150 school year 2020-2021 for students in grades 6 through 8, no” and inserting the phrase “through
151 5, no” in its place.

152 (B) Paragraph (2) is redesignated as paragraph (3).

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

154 “(2) Beginning in school year 2024-2025, for students in grades 6 through 8:

155 “(A) No student may be subject to an out-of-school suspension or
156 disciplinary unenrollment for:

157 “(i) Violating local education agency or school dress code or
158 uniform rules; or

159 “(ii) Willful defiance.

160 “(B) Students may be subject to an out-of-school suspension or
161 disciplinary unenrollment where a school administrator determines, consistent with school
162 policy, that:

163 “(i) The student has willfully caused, attempted to cause, or
164 threatened to cause bodily injury or emotional distress to another person, or engaged in sexual
165 harassment of another;

166 “(ii) The student engaged in a behavior that would constitute a
167 serious incident; or

168 “(iii) The student engaged in behavior that violates 5 DCMR §
169 B2502.4 or 5 DCMR § B2502.5.

170 “(C) Paragraph (3) of this subsection shall apply to student conduct that
171 occurs both on or off of school grounds, provided that, for conduct that occurs off of school
172 grounds, the conduct has or is reasonably expected to have a material effect on school operations
173 or activities.”.

174 (2) Subsection (b) is amended as follows:

175 (A) Paragraph (2) is amended to read as follows:

176 “(2)(A) In grades 6 through 12:

177 “(i) Ten consecutive school days during a school year for any
178 individual incident; or

179 “(ii) Where an individual serious incident results in a student’s
180 temporary assignment in an Alternative Educational Setting, 45 consecutive school days in a
181 school year; provided that, these assignments shall be for no fewer than 11 consecutive school
182 days;

183 “(B) For the purposes of this paragraph, for students with disabilities as
184 defined in section 3(1)(A) and (B) of the Americans with Disabilities Act, approved July 26,
185 1990 (104 Stat. 329; 42 U.S.C. § 12102(1)(A)-(B)), the number of days for any individual
186 serious incident that results in an Alternative Educational Setting temporary assignment shall be
187 consistent with the provisions of the Individuals with Disabilities Education Act, approved April
188 13, 1970 (84 Stat. 175; 20 U.S.C. §§ 1400 *et seq.*).”.

189 (B) Paragraph (3) is amended to read as follows:

190 “(3) Twenty cumulative school days during an academic year regardless of grade,
191 unless:

192 “(A) The head of a local education agency or his designee provides a
193 written justification to the student and parent describing why exceeding the 20-day limit is a
194 more appropriate disciplinary action than alternative responses;

195 “(B) The student's conduct necessitated an emergency removal, and the
196 head of the local education agency or his designee provides a written justification for the
197 emergency removal to the student and parent; or

198 “(C) The student is temporarily assigned to an Alternative Educational
199 Setting.”.

200 (3) Subsection (g) is amended to read as follows:

201 “(g) An out-of-school suspension of 6 consecutive school days or more shall require a
202 due process hearing.”.

203 **TITLE V. THRESHOLDS FOR ATTENDANCE REFERRALS**

204 Sec. 501. Article II of An Act To provide for compulsory school attendance, for the
205 taking of a school census in the District of Columbia, and for other purposes, approved February
206 4, 1925 (43 Stat. 806; D.C. Official Code § 38-201, *et seq.*), is amended as follows:

207 (a) Section 2(c)(2) (D.C. Official Code § 38-203(c)(2)) is amended by striking the
208 number “5” and inserting the number “10” in its place.

209 (b) Section 7 (D.C. Official Code § 38-208) is amended as follows:

210 (1) Subsection (b) is amended to read as follows:

211 “(b) Within 2 school days of the student’s tenth unexcused absence, the educational
212 institution shall provide the parent with the Office of the State Superintendent of Education’s

213 truancy prevention resource guide created pursuant to D.C. Official Code § 38-2602(b)(19);
214 provided, that the parent has not received the truancy prevention resource guide before the tenth
215 unexcused absence.”.

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

217 (A) Paragraph (1) is amended as follows:

218 (i) Subparagraph (A) is amended to read as follows:

219 “(A)(i) Through the 2024-2025 school year, the educational institution
220 shall refer a minor student 5 years of age through 13 years of age to the Child and Family
221 Services Agency (“CFSA”) pursuant to D.C. Official Code § 4-1321.02(b)(1)(B) no later than 2
222 school days after the accrual of 10 unexcused full school day absences within a school year.

223 “(ii) Beginning in the 2025-2026 school year, the educational
224 institution shall refer a minor student 5 years of age through 13 years of age to the:

225 “(I) Department of Human Services (“DHS”) no later than
226 2 school days after the accrual of 10 unexcused full school day absences within a school year;

227 “(II) CFSA, pursuant to D.C. Official Code § 4-
228 1321.02(b)(1)(B), no later than 2 school days after the accrual of 20 unexcused full school day
229 absences within a school year.

230 (III) Office of the Attorney General, Juvenile Section no
231 later than 2 school days after the accrual of 25 unexcused full school day absences within a
232 school year.”.

233 (ii) Subparagraph (B) is amended to read as follows:

234 “(B) Beginning in the 2024-2025 school year, the educational institution
235 shall refer a minor student 14 years of age through 17 years of age to:

236 “(i) DHS no later than 2 school days after the accrual of 15
237 unexcused full school day absences within a school year; and

238 “(ii) The Office of the Attorney General, Juvenile Section no later
239 than 2 school days after the accrual of 25 unexcused full school day absences within a school
240 year.”.

241 (B) Paragraph (2) is amended to read as follows:

242 “(2) Within 3 business days of the Office of the Attorney General, Juvenile
243 Section receiving written notification pursuant to paragraph (1)(A)(ii)(III) or (1)(B)(ii) of this
244 subsection, the Office of the Attorney General shall send the minor student’s parent a letter
245 notifying the parent that he or she may be subject to prosecution or other action for violation of
246 the school attendance requirements under this subchapter. These actions shall be carried out by
247 the Office of the Attorney General and include:

248 “(A) A referral for mandatory participation by the family in a family group
249 conference with the Youth Division of DHS;

250 “(B) A referral for mandatory participation by the family in the
251 Alternatives to the Court Experience Diversion Program; or

252 “(C) Prosecution for violation of the school attendance requirements under
253 this subchapter.”.

254 Section 502. Section 2(b)(1)(B) of An Act To provide for the mandatory reporting by
255 physicians and institutions in the District of Columbia of certain physical abuse of children,
256 approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(b)(1)(B)) is
257 amended by striking the phrase “10 or more” and inserting the phrase “20 or more” in its place.

258 **TITLE VI. PROHIBITION AGAINST FIREARMS AND FIREARM**
259 **PARAPHERNALIA IN SCHOOLS**

260 Sec. 601. Section 2(d) of The Expulsion of Students Who Bring Weapons Into Public
261 Schools Act of 1996, effective April 9, 1997 (D.C. Law 11-174; D.C. Official Code § 38–
262 234(a)), is amended as follows:

263 (a) Subsection (a) is amended as follows:

264 (1) The lead-in language is amended to read as follows:

265 “(a) For the purposes of this subchapter, the term “weapon” includes:”.

266 (2) Paragraph (1) is amended by striking the word “weapon” and inserting the
267 word “firearm” in its place.

268 (3) Paragraph (3) is amended to read as follows:

269 “(3) Any firearm muffler, firearm silencer, or firearm magazine; or”.

270 (b) A new subsection (c) is added to read as follows:

271 “(c) The Mayor may promulgate rules and regulations to expand the definition of
272 “weapon” under this section to include additional devices, instruments, or objects that may be
273 used with intent to inflict physical harm on another.”.

274 **TITLE VII. REPORTING REQUIREMENTS FOR ATTENDANCE**
275 **INVESTIGATIONS**

276 Sec. 701. Subsection (a) of the Prevention of Child Abuse and Neglect Act of 1977,
277 effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4–1301.04(a)) is amended
278 by adding a new paragraph (7) to read as follows:

279 “(7) The Office of the Attorney General, Juvenile Section shall promulgate an
280 annual report by August 15 of each year to the Mayor and the Council of the District of

281 Columbia that includes the number of written notifications they have provided to families in the
282 previous school year pursuant to D.C. Official Code § 38–208(c).”.

283 Sec. 702. Chapter 23 of Title 16 of the District of Columbia Official Code is amended as
284 follows:

285 (a) Section 16-2333(b)(4)(C) is amended by striking the phrase “and the District of
286 Columbia Public Schools” and inserting the phrase “the District of Columbia Public Schools, and
287 the Office of the State Superintendent of Education” in its place.

288 (b) Section 16-2333.01(b) is amended as follows:

289 (1) Paragraph (1) is amended by striking the phrase “has attended; or” and
290 inserting the phrase “has attended;” in its place.

291 (2) Paragraph (2) is amended by striking the phrase “section 7-1201.01(11).” and
292 inserting the phrase “section 7-1201.01(11); or” in its place;

293 (3) A new paragraph (3) is added to read as follows:

294 “(3) The Office of the State Superintendent of Education.”.

295 **TITLE VIII. FISCAL IMPACT STATEMENT AND EFFECTIVE DATE**

296 Sec. 801. Fiscal impact statement.

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

300 Sec. 802. Effective date.

301 This act shall take effect following approval by the Mayor (or in the event of veto by the
302 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
303 provided in section 602(c)(l) of the District of Columbia Home Rule Act, approved December

304 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
305 Columbia Register.