

## Frequently Asked Questions: 2020-21 School Year Attendance Collection December 8, 2020

### Background

On Oct. 9, 2020, the Office of the State Superintendent of Education (OSSE) issued an emergency and proposed rulemaking to codify attendance requirements in the District of Columbia Municipal Regulations (DCMR). In addition, OSSE has issued updated guidance titled "[Collecting Attendance for the 2020-21 School Year](#)." The guidance was intended to prepare local education agencies (LEAs) and schools for attendance collection for the beginning of the 2020-21 school year. The purpose of this document is to answer frequently asked questions regarding local statutes pertaining to attendance, the contents of the emergency and proposed rulemaking, and other implementation considerations.

### I. Local Statutes Pertaining to Attendance

#### 1. Summarize the local statutes pertaining to school attendance in the District of Columbia.

Broadly, [D.C. Code §38-201, et. seq.](#) governs the collection and reporting of student attendance records in the District of Columbia. Education for a minor that has reached the age of 5 years or will become 5 years of age on or before September 30th is compulsory until the child turns 18<sup>1</sup>, and a failure to attend school without a valid excuse is unlawful.<sup>2</sup> A daily record of attendance is required to be kept by each institution.<sup>3</sup> Schools and LEAs must collect and report attendance data daily<sup>4</sup>, and make the statutorily required truancy referrals under existing law.<sup>5</sup> OSSE is required to send a written notice on attendance and reporting requirements to the upcoming school year annually on July 1.<sup>6</sup>

#### 2. Is OSSE proposing any changes to the existing attendance laws to respond to the (coronavirus) COVID-19 pandemic?

No. The existing laws require the daily collection of student attendance and reporting to OSSE annually. Further, existing laws require certain actions when the student misses a prescribed number of school days in a year; these requirements will also stay in place.

#### 3. Local laws require schools to make referrals to certain government agencies when a student misses a prescribed number of school days. What are these requirements, and are they still in place in the 2020-21 school year?

D.C. Code §38-208 outlines truancy procedures and inter-agency coordination. There is no change to these statutory requirements for the 2020-21 school year.

- After 10 ***unexcused*** absences, OSSE provides the student's parent with a truancy resource guide.
- After 10 ***full-day, unexcused*** absences, a school must refer a student age 5-13 to the Child and Family Services Agency (CFSA).
- After 15 ***full-day, unexcused*** absences, a school must refer a student between the ages of 14 and 17 to the Court Social Services Division of the Superior Court of the District of Columbia and to the Office of the Attorney General (OAG) Juvenile Section.

### II. Contents of Emergency and Proposed Rulemaking

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<sup>1</sup> D.C. Code §38-202

<sup>2</sup> D.C. Code §38-203 (c)(1)-(2)

<sup>3</sup> D.C. Code §38-203(a)

<sup>4</sup> D.C. Code 38-203 (i)

<sup>5</sup> D.C. Code 38-208

<sup>6</sup> D.C. Code 38-208

#### **4. What are the current regulations governing attendance?**

5-A DCMR §2100, et. seq. regulates the collection and reporting of student attendance in the District of Columbia consistent with D.C. Code §38-201, et. seq. Broadly, the existing regulations take the following actions:

- 5-A DCMR §2100 requires a school year for a school serving any grade K-12 to be 180 regular instructional days; each instructional day must last at least 6 hours. OSSE approves school calendars.
- 5-A DCMR §2101 requires each school to collect a daily attendance record for each student. The regulation lists the contents of an attendance record. It requires schools to have an attendance monitor that conducts certain functions. It requires schools to submit attendance data to OSSE. It requires OSSE to make a report of certain statewide attendance information.
- 5-A DCMR §2102 outlines what constitutes an excused absence.
- 5-A DCMR §2103 requires certain steps to be taken for absentee intervention and school-based support teams.
- 5-A DCMR §2199 defines certain terms governing attendance.

#### **5. What changes does the emergency and proposed regulation make for the reporting for attendance?**

Existing regulations governing the collection of attendance assumes physical presence, yet due to social distancing, physical presence may not be possible every day for every student. OSSE must amend existing regulations to make this accommodation. The regulation changes how attendance is collected in a student's attendance record in 5-A DCMR §2101:

- For the 2020-21 school year, schools would report daily attendance using the following types: in-person<sup>7</sup> and remote.
- Students who attend school in-person can be marked present or absent without consideration to the proportion of the school day the student attends, meaning no application of the 80/20 rule.
- Regulations are updated to create a remote attendance type, in which students would be marked present or absent based on daily attendance status. The student would be marked present or absent when they attend remotely.
  - For a student to be marked present when attending school remotely, they would have to meet the following standard:
    - If the LEA uses a learning management system (LMS),<sup>8</sup> the student will need to be authenticated and engaged in education consistent with the LEA's prescribed policy.
    - If the LEA does not use an LMS, the LEA must make one-on-one contact with a student for the day to authenticate their presence AND provide daily evidence of engagement consistent with the LEA's policy.

#### **6. Does the emergency and proposed rulemaking change the '80/20 Rule?'**

Yes. After hearing community and school feedback on this rule and the uncertainty around how school calendars could be modified in such a way to accommodate social distancing, OSSE will not use the 80/20 Rule to define a student as present in-person for the 2020-21 school year. The "80/20 Rule" refers to the definition of "present" in 5-A DCMR §2199. Based on the existing definition in the regulation, for a student to be considered present (in-person), they must be in attendance for at least 80 percent of the full instructional day. There will be no defined fractional part of time for which a student must attend school in-person to be counted as present, but LEAs may use it as part of their own policies and procedures.

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<sup>7</sup> In-person means the student has attends inside the school. Remote means that the student attends outside of the school.

<sup>8</sup> A learning management system (LMS) is a software application for the administration, documentation, tracking, reporting, automation and delivery of educational courses, training programs, or learning and development programs.

**7. Do the rules make changes to any other part of the existing regulation?**

Yes. The emergency and proposed regulations require an LEA to provide its policy defining what constitutes present or absent when attending school remotely. Further, it requires schools to share the name of their attendance monitor to OSSE and post the name and contact information of that individual in a conspicuous place on the school's website.

**8. How long do these rules stay in place?**

The regulation allows for the collection of remote attendance for the 2020-21 school year only. Should the ongoing response to the COVID-19 pandemic require social distancing measures impacting schools beyond the 2020-21 school year, OSSE will re-evaluate the use of these regulations at that time.

### III. Implementation Questions

#### Attendance Reporting

**9. How will schools submit daily attendance to OSSE?**

Schools will be expected to capture daily attendance in their student information system. As done previously, this information will be sent to OSSE through a nightly automatic feed. You may find the SY 20-21 LEA Data Collection Template [here](#).

#### Determining Present

**10. What constitutes a student being marked present in distance learning?**

Due to the need for flexibility to respond to student and school needs during the pandemic, the emergency and proposed regulations require LEAs to define a consistent policy that describes how they will authenticate a student's identity and what constitutes sufficient engagement in a distance learning setting. LEAs should describe these policies in their continuous education plans. See paragraph 14 below for more information regarding continuous education plans.

**11. What are examples of one-on-one contact?**

Due to the need for flexibility to respond to student and school needs during the pandemic, OSSE has defined one-on-one contact as "contact between the student's school of enrollment and a school official that authenticates the identity of the student when contact cannot otherwise be made in person." Examples include but are not limited to a phone call with the student or parent/guardian or making contact through a virtual conferencing platform (e.g., Microsoft Teams).

**12. What are examples of engaging with learning?**

Due to the need for flexibility to respond to student and school needs during the pandemic, LEAs must describe what constitutes sufficient engagement in a distance learning setting. For example, this includes but is not limited to the submission of certain student work, student participation in a virtual classroom discussion observed by a teacher, a time stamp of a log on to a virtual platform or learning management system (LMS) to determine whether the student was online for a sufficient amount of time. We encourage schools to use their best judgment when utilizing this flexibility; for example, the same picture of the student working each day would not be a strong measure of engagement that is aligned to the spirit of this requirement.

**13. Must LEAs report supporting data used to make a determination of a student's presence when attending school be sent remotely to OSSE?**

No. Logs of times that a school made contact with the student or when a student logged on to an LMS do not have to be submitted to OSSE. Evidence of engagement does not need to be submitted to OSSE. However, LEAs in their continuous education and recovery plans must describe how the LEA will collect,

verify, enter, and store supporting data to ensure accurate attendance. They must also describe what data and materials would be available to OSSE in the event of an audit.

**14. The regulations require LEAs to write plans that define what constitutes being present in a distance learning setting. Where will those plans be drafted and posted?**

5-A DCMR §2100 requires a school year for a school serving any grade K-12 to be 180 regular instructional days; each instructional day must last at least 6 hours. OSSE approves changes to school calendars that do not meet this requirement. Because the ongoing pandemic requires unprecedented operational flexibilities for the delivery of education, OSSE is allowing LEA's to submit continuous education and recovery plans in order to waive the 6 hour per day requirement.

In the continuous education and recovery plans, schools must provide how they will define when a student is present in a distance learning setting consistent with the emergency and proposed regulation.

These plans will be shared publicly on the OSSE website.

Excused Absences

**15. What are the reasons for an excused absence?**

5-A DCMR §2102.2 lists the reasons for an excused absence, and there has been no change to these for the 2020-21 school year. They are as follows:

- Illness or other bona fide medical cause experienced by the student;
- Exclusion, by direction of the authorities of the District of Columbia, due to quarantine, contagious disease, infection, infestation, or other condition requiring separation from other students for medical or health reasons;
- Death in the student's family;
- Necessity for a student to attend judiciary or administrative proceedings as a party to the action or under subpoena;
- Observance of a religious holiday;
- Lawful suspension or exclusion from school by school authorities;
- Temporary closing of facilities or suspension of classes due to severe weather, official activities, holidays, malfunctioning equipment, unsafe or unsanitary conditions, or other condition(s) or emergency requiring a school closing or suspension of classes;
- Failure of the District of Columbia to provide transportation in cases where the District of Columbia has a legal responsibility for the transportation of the student;
- Medical or dental appointments for the student;
- Absences to allow students to visit their parent or a legal guardian, who is in the military; immediately before, during, or after deployment; and
- An emergency or other circumstances approved by an educational institution.

**16. When a student has an issue such as inadequate or broken technology that creates a barrier for a student to attend school in a distance learning setting, is the student counted absent?**

Yes. If the student did not meet the LEA's requirements for what constitutes present in a distance learning setting, then the student should be counted absent. However, it may be considered an *excused* absence. 5-A DCMR §2102 outlines what constitutes an excused absence. Educational institutions can determine that an absence is excused for "an emergency or other circumstances approved by the institution." The LEA should use this flexibility when assessing a student's excuse for missing school. The LEA should not summarily provide students with excused absences for technological reasons but should rather have a policy for evaluating such absences and should assess the validity of the student's excuse consistent with its policies and procedures.

**17. What flexibilities do LEAs and schools have to determine what constitutes an excused or unexcused absence?**

5-A DCMR §2102 outlines what constitutes an excused absence. The existing regulation permits an excused absence “to include an emergency or other circumstances approved by an educational institution.” Schools should use this flexibility to determine when a student’s technology-related issue constitutes an excused absence.

**18. What is the policy for providing an excuse for an absence?**

5-A DCMR §2102.4 states that 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 days upon the student’s return to school, otherwise the absence shall be deemed unexcused. This regulation is unchanged.

School Interventions

**19. Schools should have a common protocol in place to address absenteeism. What should be included in these protocols?**

- DCMR §2103 requires an educational institution to implement a specific protocol for absenteeism. An educational institution’s protocol should include the following:
  - A description of what constitutes a valid excused absence;
  - A process for training the school community on attendance/truancy policies and support services;
  - Procedures for monitoring, reporting, addressing, and evaluating attendance and absences which must include:
    - A standard procedure for making reasonable and diligent attempts to contact parents or guardians when a student has an unexcused absence,
    - A continuum of school practice sand services to support improved attendance,
    - A referral process where a student must be referred to a school based support team within two days of accumulating five or more unexcused absences in one marking period,
    - A method by which the school-based support team will provide the school administrator an intervention plan including services and programs that the student needs after obtaining a 10<sup>th</sup> unexcused absence,
    - Due process procedures for appealing attendance violations, and
    - A process to ensure that the LEA maintains complete and contemporaneous records of the work of the school-based student support team.

**20. Are schools still required to conduct absentee intervention and school-based student support team meetings in the 2020-21 school year?**

Yes, there has been no change to the following statutory requirements regarding school-based student support team meetings:

- D.C Code §38-201 defines a school-based student support team as “a team formed to support the individual student by developing and implementing action plans and strategies that are school-based or community-based, depending on the availability, to enhance the student’s success with services, incentives, intervention strategies, and consequences for dealing with absenteeism.”
- Further, D.C. Code §38-203 requires that each public, independent, private, or parochial school report to OSSE and make publicly available the following information on school-based support teams:
  - The number of students who were referred to a school-based student support team;
  - The number of students who met with a school-based student support team;
  - A summary of the action plans and strategies implemented by the school-based student support team to eliminate or ameliorate unexcused absences; and
  - A summary of the services utilized by students to reduce unexcused absences; and

- A summary of the common barriers to implementing the recommendations of the school-based student support team

**21. Who should be a part of the school-based support team?**

DCMR §2103.4 states that the team shall include the school's attendance monitor. The team should also include a general education teacher, a school nurse/psychologist, and/or social worker, if applicable, and a school administrator with decision-making authority. Additional members of the team can be guided by the needs of the particular student.

**22. When are students referred to a school-based support team?**

5-A DCMR §2103 lists two instances when a student is referred to a school-based support team:

- After five or more unexcused absences in one marking period, the team will meet.
- After 10 unexcused absences, the team will provide a plan for immediate intervention of services for the students and notify the school administrator.

**23. What are the obligations of a school-based support team?**

The school-based support teams take the following steps:

- Review the student's attendance and determine underlying causes for unexcused absences;
- Take efforts to communicate and collaborate with the student, parents, guardian;
- Communicate and collaborate with a student's individualized education program (IEP) team;
- Respond to the student's truant behavior;
- Make recommendations for academic, diagnostic, or social work services;
- Use school and community resources to improve attendance; and
- Develop and implement an action plan in consultation with the student and the student's parent or guardian.

**24. What must schools and LEAs collect and report on school-based support teams?**

D.C. Code §38-203 requires that each public, independent, private, or parochial school report to OSSE and make publicly available the following information on school-based support teams:

- a. The number of students who were referred to a school-based student support team;
- b. The number of students who met with a school-based student support team;
- c. A summary of the action plans and strategies implemented by the school-based student support team to eliminate or ameliorate unexcused absences; and
- d. A summary of the services utilized by students to reduce unexcused absences; and
- e. A summary of the common barriers to implementing the recommendations of the school-based student support team

**25. Can schools host school-based support teams remotely?**

There is no requirement under existing regulations or statutes that a school-based support team must physically convene. These meetings could have always been held in a variety of settings including a audio visual conference or teleconference. Schools should feel free to conduct these meetings flexibly, but ensure that they take place.

**Interagency Attendance Referrals**

**26. Must schools make referrals to certain DC government agencies based on unexcused absences in the 2020-21 school year?**

Yes. This is required in D.C. Code §38-208. Remember, that these referrals are for *full-day, unexcused* absences. During this pandemic, it is critical that education entities keep track of students. Existing regulations define excused absences and afford LEAs the flexibility to accommodate student needs such as sickness or a technology problem. Maintaining a line of communication with all families during this pandemic is critical.

**27. What steps should a school take prior to making a referral to either of these entities?**

When a school determines that a student is not meeting the LEA’s attendance standards for its current learning plan, the school will undertake and document the following engagement strategies:

- Calling, emailing and texting both parents and the individuals on the student’s emergency contact list to explore and document barriers to attendance;
- When instruction is in person, talking to families at drop-off and pick-up times;
- Involving the student in outreach efforts to the parent to address attendance issues;
- Robocalling the student and family members;
- Mailing postcards/letters to the home with messaging from the school;
- Scheduling attendance meetings with the parents (in person or remotely);
- Making home visits, following DC Health’s guidelines for such activities; and
- Requesting Metropolitan Police Department (MPD) Welfare Checks.

In making these outreach efforts, schools should actively collaborate with — or otherwise draw resources from — all partners within and outside the school community who may have contact or relationships with the child and family, including the school’s behavioral health team, as well as any Department of Behavioral Health (DBH) mental health clinicians and/or community-based organizations that provide mental health and other services in and outside of schools. This collaboration also includes regular crosschecking among individual teachers, and with a sibling’s school/teachers, regarding contact with students, especially for those students who have neither initiated nor maintained contact via distance learning.

**28. How do schools make the required referral based on attendance to CFSA?**

CFSA has created a [QuickBase application for submitting required attendance referrals](#). Schools should use these forms to make required referrals to CFSA. The table below outlines the components of the referral application. Those components of the application that are labeled with an (\*) are **REQUIRED**.

<b>Tab</b>	<b>Referral Application Question</b>
<b>Instruction &amp; Attachments</b>	<ul style="list-style-type: none"> <li>• Select YES/NO if the student is currently absent and there has been no contact for a week or more.*</li> <li>• Indicate COVID-19 Learning Status: Virtual/In-Person/Virtual &amp; In-Person*</li> <li>• Indicate whether the student has 10+ unexcused full-day absences.*</li> <li>• Upload a copy of the student’s attendance report*</li> <li>• Upload a copy of the student’s current grades*</li> </ul>
<b>Reporter Information</b>	<ul style="list-style-type: none"> <li>• Contact information of the individual completing the application:               <ul style="list-style-type: none"> <li>• Name*</li> <li>• Time available to answer follow-up questions</li> <li>• Email*</li> <li>• Role*</li> <li>• LEA Name*</li> <li>• School Name*</li> <li>• School Address</li> <li>• Contact Number of Reporter or School*</li> <li>• Teacher Contact Information</li> </ul> </li> </ul>
<b>Parent/Guardian/Custodian Information</b>	<ul style="list-style-type: none"> <li>• Parent Name*</li> <li>• Parent Date of Birth</li> </ul>

Tab	Referral Application Question
	<ul style="list-style-type: none"> <li>• Age</li> <li>• Race</li> <li>• Parent Relationship to Child*</li> <li>• Homeless Status*</li> <li>• Parent Address</li> <li>• Parent Phone Number</li> <li>• Parent Email</li> <li>• Parent Work Phone</li> <li>• Family Email</li> <li>• Secondary Parent/Caregiver Information</li> </ul>
<b>Child Information</b>	<ul style="list-style-type: none"> <li>• Child Name*</li> <li>• Child Date of Birth*</li> <li>• Child Age</li> <li>• Child Race</li> <li>• Child Gender*</li> <li>• Child Grade*</li> </ul>
<b>Attendance Information</b>	<ul style="list-style-type: none"> <li>• Number of Full-Day Excused Absences*</li> <li>• Number of Full-Day Unexcused Absences*</li> <li>• Is the child identified for special services (i.e., physical, behavioral, developmental, emotional)*</li> <li>• Are there any barriers to the family getting the child to school? (i.e., transportation, homelessness, etc.) If yes, explain. In a virtual environment, are there any barriers to the child participating?*</li> <li>• Is the child(ren) tardy on a frequent basis? If yes, how often and how late is the child(ren) arriving to school? Please provide specific time frames (i.e., 15 minutes, 30 minutes, one hour). In a virtual environment, is the student late logging in?*</li> <li>• Is the child's absenteeism/tardiness having a direct impact on the child's academic performance? If yes, please provide a detailed explanation.*</li> <li>• Are any of the absences due to truancy? (i.e. the child is skipping classes or skipping school) If yes, please explain. In a virtual environment, is the student refusing to participate? Is the child logging on and then leaving? Is the caregiver having issues keeping the student logged in or getting them to participate?*</li> <li>• Does this child have a history of Child Protective Services (CPS) involvement (can be outside of attendance issues)? Please provide a detailed summary.*</li> <li>• Does this child have a history of attendance concerns? Has this child been reported to CFSA in the past? Does the child have an assigned CFSA social worker? What interventions have CFSA and the school attempted in past school years?*</li> </ul>
<b>Technology and Interventions</b>	<p>Does the student have internet access?*</p> <ul style="list-style-type: none"> <li>• Does the student have all equipment needed? (i.e., laptop, other supplies)*</li> <li>• Was the student provided with learning materials?*</li> </ul>

Tab	Referral Application Question
	<ul style="list-style-type: none"> <li>• Are there multiple students in the home participating in virtual learning?*</li> <li>• Describe school and community-based interventions attempted.*</li> <li>• Were telephone calls made to the family?*</li> <li>• List of all phone numbers and persons contacted.*</li> <li>• How many calls were made?*</li> <li>• Were letters or other forms of documentation mailed to family?*</li> <li>• When was the letter sent?</li> <li>• Was MPD or another partner contacted to complete a welfare check of this student? (Please note that MPD should only be utilized when a student has not been seen for a significant period of time.)*</li> <li>• Were home visits conducted by school staff?*</li> <li>• Describe home visit outcomes.*</li> <li>• Has the school met with the student to discuss attendance issues?*</li> <li>• Describe the outcome of the student discussions?*</li> <li>• Has a school support team (SST) meeting (or other attendance-based meeting) been completed? Describe the outcome of the meeting.*</li> <li>• Is the school currently working with the family? Explain how.*</li> <li>• Additional information that CFSA has not asked that the reported should provide. This can provide an opinion on whether CPS should intervene.</li> </ul>

**29. What makes an acceptable referral based on attendance to CFSA?**

Schools should make sure that the student’s referral is based on the required number of full-day unexcused absences. A school must make a referral within two school days of the child’s 10th full-day unexcused absence to CFSA if the student is between ages 5 and 13. CFSA has created a [QuickBase application for submitting required attendance referrals](#). Schools should use these forms to make required referrals to CFSA. The table below outlines the components of the referral application. Those components of the application that are labeled with an (\*) are **REQUIRED**. Schools should be sure to describe in detail how they have provided supports to address student attendance and engaged families.

**30. How do schools make the required referral to OAG?**

Schools should use the application for referrals located at the end of this document. Schools do not send referrals directly to OAG. Schools may email referrals to the Court Social Services Division of DC Superior Court (CSSD) at [JuvenileIntakeTruancyReferrals@dcsc.gov](mailto:JuvenileIntakeTruancyReferrals@dcsc.gov).

**31. What makes an acceptable referral based on attendance to OAG?**

CSSD makes a recommendation to OAG whether to petition or not petition the matter. CSSD then forwards the referral and recommendation to OAG. OAG considers the recommendation but reviews each referral for legal sufficiency and makes an independent decision whether to petition the matter. An acceptable referral, at a minimum, must include three components:

1. Residency and last known contact information. A completed enrollment form may suffice for this purpose.

2. An attendance record reflecting 15 days or more of unexcused absences. OAG will consider an absence a full day if the school documents show the student missed 100 percent of the student's scheduled classes. An absence is unexcused if it falls within one of the LEA's prescribed categories. During the public health emergency, OAG will utilize the LEA's attendance protocols for distance learning to determine a full-day unexcused absence.
3. SST documentation that reflects the meeting date, attendees, interventions recommended, and entities to whom the school referred the youth for the identified services.

Please note that even if a school submits an acceptable referral, OAG may exercise its discretion to not petition a case. In making its decision, OAG considers whether social factors or community-based interventions outweigh bringing a youth into the juvenile justice system.

### 32. How soon must a school make a referral to CFSA and OAG?

- A school must make a referral within two school days of the child's 10<sup>th</sup> full-day unexcused absence to CFSA if the student is between ages 5 and 13.
- A school must make a referral within two school days of the child's 15<sup>th</sup> full-day unexcused absence to CSSD and OAG if the student is between the ages of 14 and 17.

### 33. What does CFSA do when a school makes a referral based on unexcused absences?

Broadly, after CFSA receives a referral from a school, it evaluates whether the school has been in contact with the student and/or family. It also evaluates whether there is suspected abuse or neglect, or if other interventions are needed to encourage engagement with education.

Schools are the entity likely to have the most direct and positive impact on a student's attendance. By contrast, child welfare involvement can be an invasive and traumatic experience for families. Therefore, when it comes to engaging families in a child's school participation, CFSA's involvement should be considered a last resort, and is only appropriate when a parent's actions or inactions directly impact their child's attendance.

All reports by schools of attendance concerns will be processed through CFSA's Educational Neglect Triage Unit. The unit will assess each report and make a determination regarding CFSA's involvement. Although schools are required by law to report the accrual of 10 unexcused absences, these absences alone do not necessarily constitute educational neglect. Through its triage and investigative processes, CFSA will determine whether or not there is alleged educational neglect requiring a child welfare agency response. The reporter will be notified of the outcome of each report.

A CFSA referral may result in the following actions:

1. **DENIED/RETURNED TO REPORTER to complete required outreach efforts:** A report will be denied when the reporting school has not exhausted all required efforts to make contact with a student and family in order to resolve attendance matters and/or the report is missing required information.
  - Reporters are notified of denials via email.
  - Denied referrals are sent back to the reporter for follow-up and resubmission.
  - Reporters can contact the Triage Unit Supervisor, Joseph Osiecki (at [joseph.osiecki@dc.gov](mailto:joseph.osiecki@dc.gov)), for further discussion, if needed.
2. **ACCEPTED AND SCREENED OUT:** A referral will be accepted and screened out when it contains all required information (including documentation of exhaustive efforts to engage the student and family), but does not require CPS involvement. Such instances might include, for example, a report submitted by the school due to statutory reporting requirements only, in which there are no concerns among school personnel of the student falling behind; or a report submitted in the third or fourth quarter with 10 unexcused absences.

If the CFSA triage worker (in consultation with the supervisor) determines that the report does not rise to the level of a child welfare response:

- Reporters are notified of the decision via email.
- Reporters should continue to work with the identified student and family to improve attendance and re-report if needed.

3. **ACCEPTED FOR SERVICE PROVISION (“I&R”)**: When a referral contains all required information (including documentation of exhaustive efforts to engage the student and family), it may be accepted in order to provide services. This would happen if, during the triage of the report, there is an identified need for further support that CFSA is either positioned to provide or for which a referral can be made.

- Reporters are notified of the acceptance decision via email, and the school will collaborate with CFSA in service planning.
- The Triage Unit will make efforts to help the family resolve the identified barriers and/or link the family to a community service provider.

4. **ACCEPTED FOR AN INVESTIGATION OF EDUCATIONAL NEGLECT (“Screen In”)**: A referral will be accepted for a CPS Investigation when it contains all required information (including documentation of exhaustive efforts to engage the student and family), and contains sufficient information to support an allegation of educational neglect. An allegation of educational neglect is identified when a student has missed an excessive amount of school as a direct result of negligence by the parent or caregiver.

- Reporters are notified of the screening decision via email.
- Reporters will be contacted by the assigned Educational Neglect Social Worker to obtain additional information, and to support school collaboration with CFSA in intervention planning with the family.

Sometimes CFSA receives referrals when a child is older than 13 years of age. If CFSA receives a referral for a child older than age 13 and there are no concerns of abuse or neglect, we deny and send back to the reporter and request they send this to CSSD as they handle truancy matters. If CFSA receives a referral for a child older than age 13 and there is suspected abuse or neglect, we will accept and process through the triage unit.

**34. When a school makes a referral to CSSD of the Superior Court or the Juvenile Division of the Office of the Attorney General, what steps do those agencies take?**

Within three business days of OAG receiving notice that a student has accrued 15 full-day unexcused absences, OAG will notify the parent by letter that he or she may be subject to prosecution for violating the attendance requirements. (DC Code § 38-208(c)(1)(B)). These agencies very rarely take prosecutorial action on these referrals; rather, the agencies would rather take steps to support families and improve student attendance. Yet, the following actions may take place:

- Students may be referred to the director of CSSD for prosecution, diversion and community-based interventions;
- Parents and students may be assigned community service and placed under court supervision/probation;
- Truancy charges may be filed against the student alleging that the student is a “Person in Need of Supervision”; and
- Parents may be referred to mediation for services or may face criminal prosecution resulting in community service, fines and/or incarceration.

**35. Who should schools contact at CFSA regarding referrals and screening decisions?**

- Questions regarding screening decisions should be directed to the Educational Neglect Triage Unit Supervisor Joseph Osiecki, who can be reached at [joseph.osiecki@dc.gov](mailto:joseph.osiecki@dc.gov).
- Questions regarding service provision and investigations should be directed to Educational Neglect Social Work Unit Supervisor Shaneena Robertson, who can be reached at [Shaneena.robertson@dc.gov](mailto:Shaneena.robertson@dc.gov).

**36. Who should send referrals based on attendance to CFSA, CSSD/OAG?**

Often, these agencies will provide information back to schools on the referral submitted. It is advised that referrals to these agencies be made in coordination with the school’s attendance monitor for timely follow-up.

**37. Who should schools contact at OAG regarding referrals and screening decisions?**

The Juvenile Specialty Courts Unit (JSCU) of the OAG Public Safety Division handles referrals and screening. JSCU can be reached at [PINS.Juvenile@dc.gov](mailto:PINS.Juvenile@dc.gov) and (202) 727-3500. Like the rest of OAG, the Juvenile Specialty Courts Unit is working remotely; however, OAG is still actively engaged in accepting referrals, evaluating cases, and providing support to families and children who have school attendance challenges.

**38. What is educational neglect, and does a referral based on unexcused absences constitute educational neglect?**

D.C. Code §16-2301(9)(A)(ii) defines a neglected child as “a child who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his or her physical, mental, or emotional health, and the deprivation is not due to the lack of financial means of his or her parent, guardian, or custodian.”

D.C. Code §38-202 (a) requires “every parent, guardian, or other person, who resides permanently or temporarily in the District during any school year and who has custody or control of a minor who has reached the age of 5 years or will become 5 years of age on or before September 30th of the current school year shall place the minor in regular attendance in an educational institution during the period of each year when the public schools of the District are in session. This obligation of the parent, guardian, or other person having custody extends until the minor reaches the age of 18 years.”

A referral based on unexcused absences on its own does not constitute educational neglect. CFSA and OAG review referrals and assess whether further investigation is needed or whether a student and family could be better served with additional community and school supports and resources.

**Graduation & Attendance**

**39. What are the requirements for graduation from high school in the District of Columbia?**

Broadly, 5-A DCMR §2203 states that to graduate from high school in the District of Columbia, a prospective graduate must earn 24 Carnegie Units in required courses. By regulation, a Carnegie Unit is defined as 120 hours of classroom instruction over the course of an academic year. Prospective graduates must also complete 100 hours of community service.

**40. Will OSSE afford perspective graduates in the Class of 2021 flexibility from the community service requirement due to COVID-19?**

Yes. The waiver of the community service requirement would apply to a prospective high school graduate in the 2020-21 school year in any DCPS or DC public charter school.

**41. Since schools will be getting flexibility from the 6-hour instructional day requirement, will graduates be afforded flexibility from the seat-hour requirement in the Carnegie Unit?**

Yes. The waiver of the Carnegie Unit/seat-time requirement would apply to high school students in any grade and in any public or public charter high school in DC.

**42. Is this flexibility any different from that afforded to Class of 2020 due to the COVID-19 pandemic?**

No. We will provide the same flexibility for the Class of 2021 as we did for the Class of 2020.

**43. What steps will OSSE take to implement this flexibility?**

Due to the urgency that the pandemic placed on schools in March of 2020, OSSE sought this flexibility legislatively. The DC Council passed the Coronavirus Support Emergency Amendment Act of 2020. Section 601 of the Act amended regulations that define graduation requirements to provide this flexibility for graduates. Because timing isn't as much of a necessity as it was in the spring of 2020, OSSE will provide this flexibility through a rulemaking. OSSE will also seek approval of the rule through the State Board of Education consistent with D.C. Code §38-2652(a)(3).

**44. Why is OSSE waiving the community service requirement?**

We do not want to risk the health and safety of students to complete this requirement during this period where everyone is encouraged to practice social distancing. While some students may have access to virtual opportunities to complete community service hour requirements, others may not. Finally, to the extent that students have competing pressures, we wish for them to remain focused on academic learning as much as possible. Therefore, we will waive this requirement for prospective high school graduates.

**45. Is the proposal waiving any of the course requirements for graduation?**

No. All graduates are still expected to have the required number of credits and courses prescribed in 5-A DCMR §2203 for graduation. This proposal allows a change in the way credits are awarded, by recognizing the impact of remote learning and waiving the instructional seat time requirements. This will allow LEAs to determine in their own ways whether or not students have successfully met the learning requirements for a course, even if seat-time requirements have not been met, so that students will not be penalized and prevented from graduating by the pandemic and school closures.



## District of Columbia Superior Court Truancy Referral Form

Date: \_\_\_/\_\_\_/\_\_\_

1. School Name: \_\_\_\_\_
2. School Address: \_\_\_\_\_
3. Attendance Counselor Name: \_\_\_\_\_  
Attendance Counselor Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Student Information

4. Student Name: \_\_\_\_\_ Grade: \_\_\_ Date of Birth: \_\_\_\_\_
5. Is the student a special education student?  Yes  No (if yes, attach IEP)
6. Is there a social worker or case manager assigned to this student? (i.e. CFSA, school social worker, neighborhood collaborative, DMH or other agency)  Yes  No  Unknown  
a. Name \_\_\_\_\_ Agency: \_\_\_\_\_ Phone: \_\_\_\_\_
7. Does the student have a probation officer?  Yes  No  Unknown
8. Student has been truant from school for \_\_\_ days between \_\_\_/\_\_\_/\_\_\_ and \_\_\_/\_\_\_/\_\_\_\_. Student has been absent an additional \_\_\_ days excused and \_\_\_ days due to suspensions. *Note: Student must have missed a minimum of 15 days without a valid excuse to be considered for petitioning.*
9. Which interventions has the school attempted with the parent/guardian?
 

<input type="checkbox"/> Phone call	<input type="checkbox"/> Referral to in-school resource (ie counselor)
<input type="checkbox"/> Letter	<input type="checkbox"/> Referral to community organization
<input type="checkbox"/> Certified letter	<input type="checkbox"/> Home visit
<input type="checkbox"/> In-person conference	<input type="checkbox"/> Referral to CFSA
<input type="checkbox"/> Attendance intervention plan	
<input type="checkbox"/> SST or Attendance Committee meeting	

For **all** interventions checked, please attach documentation. Where not checked, please explain:

\_\_\_\_\_

\_\_\_\_\_

10. Social History (include any information about the student's personal history, family composition, and other important information not captured elsewhere in this referral):

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11. Attendance History (include any information regarding student's history of attendance and known reasons for absence. List school, year, and number of unexcused absences as available):

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**Family Information**

12. Mother/Legal Guardian Name: \_\_\_\_\_ SSN: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Lives with student: Y / N  
 Employer: \_\_\_\_\_ Occupation: \_\_\_\_\_  
 Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

13. Father/Legal Guardian Name: \_\_\_\_\_ SSN: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Lives with student: Y / N  
 Employer: \_\_\_\_\_ Occupation: \_\_\_\_\_  
 Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

14. If not living with mother/father/legal guardian, living with:  
 Name: \_\_\_\_\_ Relationship to student: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Employer: \_\_\_\_\_ Occupation: \_\_\_\_\_  
 Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

15. Siblings:

Name	DOB	School	Grade	School ID

Attendance Counselor Signature \_\_\_\_\_ Date \_\_\_\_\_

Principal Name: \_\_\_\_\_ Signature \_\_\_\_\_

**Please email or mail completed packets to:**

*(for cases against parent: ages 5-12)*

**FSP.Juvenile@dc.gov**

Rachele G. Reid

Office of the Attorney General

Public Safety Division

Juvenile Specialty Courts Unit

400 6<sup>th</sup> Street, NW, Suite 9100

Washington, DC 20001

*(for cases against child: ages 13-17)*

**JuvenileIntakeTruancyReferrals@dcsc.**

**gov**

Benee Easley

Acting Supervisory Probation Officer

District of Columbia Superior Court

Court Social Services - Intake Unit I

500 Indiana Avenue, NW, Room 4485

Washington, DC 20001



## District of Columbia Superior Court Truancy Referral Checklist

**Directions:** Please check the following items for inclusion in the Truancy Referral and attach this sheet to Truancy Referral Form.

### **School/Student Information**

- District of Columbia Superior Court Truancy Referral Form
- Student Enrollment Form
- DC Residency Verification Form
- Current Course Schedule with Teacher Names
- Progress Report/Report Card

### **Attendance**

- Daily attendance record for current school year (certified true copy); include period attendance if applicable
- Attendance intervention plan
- Documentation of all attendance interventions checked on Truancy Referral Form (include date(s), person(s) conducting the intervention, person(s) in attendance, and detailed notes regarding the intervention/follow-up)
  - Phone call
  - Letter
  - Certified letter
  - In-person conference
  - Student Support Team or Attendance Committee meeting
  - Referral to in-school resource
  - Referral to community-based organization
  - Home visit

### **Additional items**

- SAT 9, DC-BAS, DC-CAS and/or other relevant test data (if available)
- 504 Plan/Bi-lingual Education Plan (if applicable)
- Individualized Education Plan (if student is enrolled in special education)
- TANF/DHS Form (if applicable)
- DC Housing Authority Verification Enrollment Form (if applicable)



# DC Superior Court Truancy Referral

## Section 1: School/Student Information

(please place the following items in order behind this sheet)

- District of Columbia Superior Court Truancy Referral Form
- Student Enrollment Form
- DC Residency Verification Form
- Current Course Schedule with Teacher Names
- Progress Report/Report Card



# DC Superior Court Truancy Referral

## Section 2: Attendance

(please place the following items in order behind this sheet)

Daily attendance record for current school year (certified true copy); include period attendance if applicable

Attendance intervention plan

Documentation of all attendance interventions checked on Truancy Referral Form (include date(s), person(s) conducting the intervention, person(s) in attendance, and detailed notes regarding the intervention/follow-up)

Phone call

Letter

Certified letter

In-person conference

Student Support Team or Attendance Committee meeting

Referral to in-school resource

Referral to community-based organization

Home visit



## DC Superior Court Truancy Referral

### Section 3: Additional Items

(please place the following items in order behind this sheet)

- SAT 9, DC-BAS, DC-CAS and/or other relevant test data (if available)
- 504 Plan/Bi-lingual Education Plan (if applicable)
- Individualized Education Plan (if student is enrolled in special education)
- TANF/DHS Form (if applicable)
- DC Housing Authority Verification Enrollment Form (if applicable)