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The D.C. Code is available at: <https://code.dccouncil.us>.

The DCMR is available at: <http://www.dcregs.dc.gov>.

Title 38. Educational Institutions.
Subtitle I. Public Education -- Primary and Secondary.
Chapter 2. Compulsory School Attendance and Expulsion.
Subchapter I. School Attendance.
D.C. Code § 38-201 through -213

§ 38–201. Definitions.

For the purposes of this subchapter, the term:

(1) Repealed.

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

(2) "District" means the District of Columbia.

(2A) "Educational institution" means a school in the District of Columbia Public Schools system, a public charter school, an independent school, a private school, a parochial school, or a private instructor.

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

(3) "Minor" means a person who has not reached 18 years of age, pursuant to § 46-101.

(3A) "Parent" means a parent, guardian, or other person who resides in the District and who has custody or control of a minor 5 years of age or older.

(3B) "School-based student support team" means 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.

(4) "School year" means the period from the opening of regular school programs, typically in September, until the closing of regular school programs, typically in June.

§ 38–202. Establishment of school attendance requirements.

(a) 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. For the purpose of this section placement in summer school is not required.

(b) Any minor who has satisfactorily completed the senior high school course of study prescribed by the Board and has been granted a diploma that certifies his or her graduation from high school, or who holds a diploma or certificate of graduation from another course of study determined by the Board to be at least equivalent to that required by the Board for graduation from the public senior high schools, shall be excused from further attendance at school.

(c) Any minor who has reached the age of 17 years may be allowed flexible school hours by the head of the educational institution in which the minor is enrolled provided he or she is actually, lawfully, gainfully, and regularly employed, but in no case shall he or she be excused entirely from regular attendance or excused to the extent that his or her timely graduation would be jeopardized or prevented.

(d) The Board shall, pursuant to subchapter I of Chapter 5 of Title 2, issue rules to establish requirements to govern acceptable credit for studies completed at independent or private schools and private instruction, to govern the selection and appointment of appropriate staff members to carry out the provisions of this chapter under the direction of the Superintendent of Schools, pursuant to Chapter 6 of Title 1, and in respect to other matters within the scope of authority of the Board that relates to this subchapter.

§ 38–203. Enforcement; penalties.

(a) An accurate daily record of the attendance of all minors covered by § 38-202 and this section shall be kept by the teachers of each educational institution. These records shall be open for inspection at all times by the Board, the State Superintendent of Education, school attendance officers, or other persons authorized to enforce this subchapter.

(b) Repealed.

(c)(1) The absence of a minor covered by § 38-202(a) without valid excuse shall be unlawful.

(2) An absence of a minor covered by § 38-202(a) who is enrolled in a public school is deemed unexcused unless the minor's parent, guardian, or other person who has

custody or control of the minor provides the school with a valid excuse for the minor's absence within five (5) school days upon the minor's return to school.

(d) The parent, guardian, or other person who has custody or control of a minor covered by § 38-202(a) who is absent from school without a valid excuse shall be guilty of a misdemeanor.

(e) Any person convicted of failure to keep a minor in regular attendance in a public, independent, private, or parochial school, or failure to provide regular private instruction acceptable to the Board may be fined not less than \$100 or imprisoned for not more than 5 days, or both for each offense.

(f) Each unlawful absence of a minor for 2 full-day sessions or for 4 half-day sessions during a school month shall constitute a separate offense.

(f-1) Repealed.

(f-2) Repealed.

(g) For the 1st offense, upon payment of costs, the sentence may be suspended and the defendant may be placed on probation.

(h) For any person convicted under this section, the courts shall consider requiring the offender to perform community service as an alternative to fine or imprisonment or both.

(i) Within 60 days after the end of a school year, each public, independent, private, or parochial school shall report to the Office of the State Superintendent of Education, and make publicly available the following data for each school or campus under its authority based on the preceding school year:

(A) The number of minors, categorized by grade, or equivalent grouping for ungraded schools, who had unexcused absences for:

(i) One to 5 days;

(ii) Six to 10 days;

(iii) Eleven to 20 days; and

(iv) Twenty-one or more days;

(A-i) The work of the school-based student support teams in reducing unexcused absences, including:

- (i) The number of students who were referred to a school-based student support team;
 - (ii) The number of students who met with a school-based student support team;
 - (iii) A summary of the action plans and strategies implemented by the school-based student support team to eliminate or ameliorate unexcused absences; and
 - (iv) A summary of the services utilized by students to reduce unexcused absences;
 - (v) A summary of the common barriers to implementing the recommendations of the school-based student support team;
- (B) The number of minors, categorized by grade, or equivalent grouping for ungraded schools, that the school reported to the Child and Family Services Agency pursuant to § 4-1321.02(a-1) and (a-2);
- (B-i) The number of minors categorized by grade, or equivalent grouping for ungraded schools, that the school referred to the Court Social Services Division of the Family Court of the Superior Court of the District of Columbia for truancy; and
- (C) The policy on absences, including defined categories of valid excuses, that it used.
- (j) By August 1, 2012, the Mayor shall develop, through rulemaking, appropriate enforcement mechanisms to ensure that each school, principal, and teacher is in full compliance with the requirements of this subchapter and any regulations issued pursuant to this subchapter.
- (k) By November 30 of each year, the Office of the State Superintendent of Education shall publicly report on the state of absenteeism in the District based on data from the preceding school year, including an analysis of truancy and chronic absenteeism by school or campus and the impact of current laws on improving school attendance.

§ 38–204. Census of minors.

The Board, or its designee, shall conduct annually, or as frequently as may be found necessary or desirable, a complete census of all minors 3 years of age or more who permanently or temporarily reside in the District. The census record shall be amended from day to day as changes of residence occur among minors within the age group, as other persons come within or leave the age group, and as other persons within the age group become residents of or leave the District. The census record of minors shall give the full name, address, sex, and date of birth of each minor, the school attended by him or her and, if the minor is not at school, the name

and address of his or her employer, if any, and the name, address, telephone numbers, if any, and occupation of each parent or guardian.

§ 38–205. Report of enrollments and withdrawals.

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

§ 38–206. Penalty for failure to provide correct information.

Any parent, guardian, custodian, principal, or teacher of a minor who has reached the age of 3 years who willfully neglects or refuses to provide the information required by §§ 38-202 through 38-206, or who knowingly makes any false statement, shall be guilty of a misdemeanor.

§ 38–207. Authority of police over truant child.

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

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

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

(b) On the request of a person who has reached the age of 18 years, graduated from high school, or received a general equivalency diploma, and who has previously been taken into custody pursuant to subsection (a) of this section, the Metropolitan Police Department shall seal all records relating to custody authorized by subsection (a) of this section.

(c) Within 2 business days of a minor student's 10th unexcused absence during a school year, the educational institution shall send the minor's parent:

- (1) Information from the Chief of Police about the compulsory attendance requirements and criminal penalties for violations of this chapter; and
- (2) A letter notifying the parent that he or she may be in violation of the school attendance requirements under this chapter and may be subject to prosecution.

§ 38–208. Truancy procedures; inter-agency coordination.

(a) Repealed. [OSSE editorial note: removed requirement to notify MPD of students accumulating 10+ unexcused absences.]

(b) Within 2 business days of the 10th unexcused absence, the educational institution shall notify the Office of the State Superintendent of Education which shall provide the parent with the truancy prevention resource guide created pursuant to § 38-2602(b)(19); provided, that the parent has not received the truancy prevention resource guide before the 10th unexcused absence.

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

(1)(A) Beginning in the 2016-2017 school year, the educational institution shall refer a minor student 5 years of age through 13 years of age to the Child and Family Services Agency pursuant to § 4-1321.02(a-1), no later than 2 business days after the accrual of 10 unexcused full school day absences within a school year.

(B) Beginning in the 2016-2017 school year, the educational institution shall refer a minor student 14 years of age through 17 years of age to the Court Social Services Division of the Superior Court of the District of Columbia and to the Office of the Attorney General Juvenile Section no later than 2 business days after the accrual of 15 unexcused full school day absences within a school year.

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

(2) Within 3 business days of the Office of the Attorney General, Juvenile Section receiving written notification pursuant to paragraph (1)(B) of this subsection, the Office of the Attorney General shall send the minor student's parent a letter notifying the parent that he or she may be subject to prosecution for violation of the school attendance requirements under this subchapter.

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

§ 38–209. Reporting requirements.

By July 15 of each year, beginning in 2014, the Office of the Attorney General shall submit to the Mayor and the Secretary to the Council a truancy status report on the preceding school year, which shall include the number of:

- (1) Referrals it received from each educational institution;
- (2) Cases it filed pursuant to this subchapter, and the outcome of each;
- (3) Child-in-need of supervision cases filed pursuant to this subchapter, and the outcome of each; and
- (4) Students who were enrolled in a court diversion program, or other diversion program pursuant to this subchapter.

§ 38–210. *[OSSE editorial note: § 38–210 does not exist in D.C. Code.]*

§ 38–211. Department of School Attendance and Work Permits –Creation. [Repealed].

§ 38–212. Department of School Attendance and Work Permits – Director; appointments. [Repealed].

§ 38–213. Court jurisdiction.

The Family Division of the Superior Court is hereby given jurisdiction in all cases arising under this subchapter.

Title 38. Educational Institutions.
Subtitle I. Public Education -- Primary and Secondary.
Chapter 2. Compulsory School Attendance and Expulsion.
Subchapter II. Expulsion of Students.
D.C. Code § 38-236.04

§ 38-236.04. Limitations on exclusion as a disciplinary action.

(a) ...

(b) No student, except a student over 18 years of age at a school where more than 1/2 of the students are over 18 years of age, may be subject to an out-of-school suspension for longer than:

- (1)** Five consecutive school days for any individual incident in grades kindergarten through 5;
- (2)** Ten consecutive school days for any individual incident in grades 6 through 12; or
- (3)** Twenty cumulative school days during an academic year regardless of grade, unless:

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

(B) The student's conduct necessitated an emergency removal, and the head of the local education agency provides a written justification for the emergency removal to the student and parent.

(c) No student, except a student over 18 years of age at a school where more than 1/2 of the students are over 18 years of age, may be subject to an out-of-school suspension or disciplinary unenrollment for an unexcused absence or a late arrival to school; provided, that a student may be unenrolled from a local education agency if the student has accumulated 20 or more consecutive full-school-day unexcused absences.

(d) No student subject to a suspension may be denied the right to continue to access and complete appropriate academic work or to earn credit toward promotion or graduation during a suspension.

(e) The return of a student to school upon conclusion of an out-of-school suspension shall not be made contingent on a parent accompanying the student, attending a conference, or otherwise being present at the school.

(f) Notwithstanding whether a school or local education agency states the reasoning for the removal from school or prohibition from returning to school, no student may be removed from school or prohibited from returning to school for disciplinary reasons, unless the student is subject to an out-of-school suspension or disciplinary unenrollment.

(g) For purposes of due process, a suspension of 6 school days or more shall be considered a long-term suspension.

(h) Repealed.

District of Columbia Municipal Regulations
Title 5-A: Office of the State Superintendent of Education
Chapter 20: COMPULSORY EDUCATION AND SCHOOL ATTENDANCE

2100 GENERAL PROVISIONS

- 2100.1 The legal authority for this chapter is based upon Article II of “An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes”, as amended, effective February 4, 1925 (43 Stat. 806; D.C. Official Code § 38-201 et seq. (2012 Repl. & 2013 Supp.)); as amended by Section 302 of the “South Capitol Street Memorial Amendment Act of 2012”, effective June 7, 2012 (D.C. Law 19-141, 59 DCR 3083, (April 20, 2012); D.C. Official Code §§ 38-201 et seq. (2012 Repl. & 2013 Supp.)); Mayor’s Order No. 2012-116, dated July 26, 2012; Sections 3(b)(11), 3(b)(15) and 7c of the “State Education Office Establishment Act of 2000”, as amended, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(11), 2602(b)(15) and 2609(c)(2) (2012 Repl. & 2013 Supp.)); Section 403 of the “State Board of Education Establishment Act of 2007”, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code §38-2652(a)(14) (2012 Repl.)), and the “Attendance Accountability Amendment Act of 2013”, effective September 19, 2013 (D.C. Law 20-17; 60 DCR 14501 (Oct. 11, 2013)) to be codified at D.C. Official Code §§ 38-201 et seq. and §38-2602(b)(19).
- 2100.2 This chapter shall apply to a public educational institution as defined in this chapter to include any elementary or secondary educational program operating in the District of Columbia that is subject to the control or oversight of a local educational agency.
- 2100.3 Unless otherwise approved by OSSE, a school year for attendance purposes shall include a minimum of one hundred eighty (180) regular instructional days and the following requirements:

- (a) An instructional day shall be at least six (6) hours in length for students, including time allotted for lunch periods, recess, and class breaks;
- (b) The six (6)-hour minimum instructional day requirement shall not be applicable to an evening school program, prekindergarten program, or kindergarten program.

2100.4 Student attendance shall be consistent with the reporting requirements in Section 2101.

2100.5 Daily attendance shall include participation in school-sponsored field trips; participation in an off-site school sponsored or approved activity during a regularly scheduled school day; in-school suspensions; and the number of days a student receives instructional services while expelled or while serving an out-of-school suspension.

2101 ATTENDANCE RECORDS AND REPORTING

2101.1 Each educational institution operating in the District of Columbia shall maintain an accurate, contemporaneous, and daily attendance record for each student who is enrolled in or who attends the educational institution.

2101.2 Records shall be maintained as follows:

- (a) The requirement to maintain an attendance record for a student who has completed the enrollment process for an educational institution shall begin on the educational institution's first (1st) official school day and continue throughout the school year, unless the student officially withdraws from the educational institution; fails to attend at least one (1) day of school in the first three (3) weeks of school without notification for such absence; or transfers to another educational institution; and
- (b) Expulsion or suspension of a student during the school year does not relieve the educational institution of the duty to record and report the student's daily attendance for the school year in which the expulsion or suspension occurred until such time as the student officially withdraws from or enrolls in another educational institution; or such time as the educational institution that, despite best efforts, it is unable to contact the parent or guardian.

2101.3 The attendance record for each student shall contain the following:

- (a) Dates of enrollment;

- (b) Daily legible or machine-readable records of daily attendance, noting the student as present or absent for a full or partial school day;
- (c) Determination of the nature of each absence as excused, unexcused; suspension-related; or expulsion-related;
- (d) Dates of withdrawal from the educational institution or confirmed transfer to another educational institution, including the name and location of the educational institution to which the student transferred and follow up notation(s) to confirm the child's new placement;
- (e) Dates of each referral to the school-based student support team, the Child and Family Services Agency ("CFSA"), the Court Social Services Division of the Superior Court of the District of Columbia ("Court Social Services"); or the Office of the Attorney General Juvenile Section ("OAG-Juvenile Section") related to absenteeism or truancy;
- (f) Dates of marking periods;
- (g) Dates on which a law enforcement officer enforcing compulsory attendance laws returns the student to the educational institution;
- (h) Daily late arrival time, beginning with school year 2015 or at such time that the school is capable of implementing this subsection, whichever is earlier;
- (i) Dates and times of early dismissals from the school day, as authorized by the educational institution, beginning with school year 2015 or at such time that the school is capable of implementing this subsection, whichever is earlier;
- (j) Dates and brief description of communications with student, parent(s) or guardian(s) with regard to school attendance and absences, including the record of or a cross-reference to the record documenting:
 - (1) Contact with parents, guardians, or other primary caregivers; and
 - (2) Interventions, services, and service referrals related to absences other than those listed in subparagraph (d);
- (k) Underlying causes for student's absenteeism or truancy as determined by the school-based student support team;

- (l) Action plans and strategies implemented by the school-based student support team to eliminate unexcused absences; and
 - (m) Services utilized by the student to reduce unexcused absences.
- 2101.4 Prior to the beginning of each school year, an educational institution shall designate an attendance monitor(s) to be responsible for collecting, maintaining, and reporting the attendance data required for each student consistent federal and District requirements. An attendance monitor shall:
- (a) Ensure timely submission of attendance in conformance with this chapter; and
 - (b) Submit corrected attendance records via an automated, electronic feed, or such other format.; and provide any corrections to attendance records within fifteen (15) business days of submission; and
 - (c) Timely respond to requests for clarification of submitted attendance records.
- 2101.5 The name and contact information of the designated attendance monitor shall be reported by the educational institution prior to the first (1st) official school day of each school year.
- 2101.6 Within sixty (60) days after the completion of each school year, an educational institution shall submit to OSSE the report described in D.C. Official Code § 38-203(i). Such report shall include attendance information in aggregate form, excluding individual student data.
- 2101.7 Prior to the beginning of each school year, OSSE shall issue a report including the following information:
- (a) Truancy rates for each educational institution;
 - (b) Progress in improving attendance and reducing truancy for each educational institution; and
 - (c) Each educational institution's compliance with key attendance and truancy requirements.
- 2101.8 An educational institution shall maintain attendance records as part of the student's permanent record and for such periods of time as may be otherwise specified by applicable laws and regulations.

- 2101.9 Within two (2) business days after each occurrence of a student's tenth (10th) unexcused absence during a school year, the educational institution shall:
- (a) [REPEALED];
 - (b) Send the student's parent a letter, under signature of the Chief of the Metropolitan Police Department, notifying the parent that he or she may be in violation of the school attendance requirements and subject to prosecution under District of Columbia laws; and
 - (c) Notify OSSE of the student's ten days of the unexcused absence.

- 2101.10 Upon notification from the educational institution under § 2101.9, OSSE shall provide the parent with a copy of the Truancy Prevention Resource Guide published by OSSE.

2102 ABSENCES

- 2102.1 Any absence, including an absence from any portion of the instructional day, without a valid excuse shall be presumed to be an unexcused absence.
- 2102.2 An educational institution shall define categories of valid excuses for an absence, which shall include the following categories:
- (a) Illness or other bona fide medical cause experienced by the student;
 - (b) 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;
 - (c) Death in the student's family;
 - (d) Necessity for a student to attend judiciary or administrative proceedings as a party to the action or under subpoena;
 - (e) Observance of a religious holiday;
 - (f) Lawful suspension or exclusion from school by school authorities;
 - (g) 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;

- (h) 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;
- (i) Medical or dental appointments for the student;

[OSSE editorial note: There is currently no letter (j) listed in the regulations.]

- (k) Absences to allow students to visit their parent or a legal guardian, who is in the military; immediately before, during, or after deployment; and
- (l) An emergency or other circumstances approved by an educational institution.

2102.3 An educational institution shall publish and make available to parents and students the attendance policies and procedures, including a list of valid excused absences.

2102.4 An educational institution shall obtain an explanation from the student's parent or guardian verifying the reason for an absence within no more than five (5) days upon the student's return to school, otherwise the absence shall be deemed unexcused.

2103 ABSENTEE INTERVENTION AND SCHOOL-BASED STUDENT SUPPORT TEAMS

2103.1 An educational institution shall implement a specific protocol for absenteeism (absenteeism protocol) including a focus on prevention of unexcused absences, also referred to as truancy, and academic and behavioral interventions to address the needs of students.

2103.2 Each LEA shall incorporate evidence-based practice into its absenteeism protocol, considering procedures to address the following:

- (a) A description of valid excused absences consistent with this chapter;
- (b) A process for informing, training, and educating school staff, students, parents, guardians, and the community with regard to enhancing school attendance, implementing truancy reduction methods, administering attendance policies and procedures, and related collaborative services; and
- (c) Procedures for monitoring, reporting, addressing, and evaluating attendance and absences consistent with District of Columbia attendance and absence reporting requirements including:

- (1) A procedure requiring reasonable and diligent attempts to make personal contact with the parent or guardian of a student, on the same day and each time a student has the equivalent of one (1) day of unexcused absence, with daily follow-ups as necessary;
- (2) A continuum of school practices and services including meaningful supports, incentives, intervention strategies, and consequences for dealing with absenteeism and consultation with parents or guardians, both at the onset of absenteeism and in those circumstances where chronic absenteeism persists, which continuum shall not include off-site suspension and/or expulsion as intervention strategies;
- (3) A referral process whereby within two (2) school days after a student has accumulated five (5) or more unexcused absences in one (1) marking period or other similar time frame, the student shall be referred to a school-based student support team which will meet within five (5) school days of the referral and regularly thereafter to:
 - (A) Review and address the student's attendance and determine the underlying cause(s) for the student's unexcused absences;
 - (B) Employ reasonable and diligent efforts to communicate and to collaborate with the student and parents or guardian;
 - (C) Communicate and collaborate with the student's existing Individualized Education Program (IEP) team, as applicable;
 - (C) Provide timely response to the student's truant behavior;
 - (D) Make recommendations for academic, diagnostic, or social work services;
 - (E) Use school and community resources to abate the student's truancy including referral to a community-based organization when available; and

(F) Develop and implement an action plan in consultation with the student and student's parents or guardian;

(4) A student who accumulates ten (10) unexcused absences at any time during a school year shall be considered to be chronically truant. The school-based student support team assigned to the student shall notify the school administrator within two (2) school days after the tenth (10th) unexcused absence with a plan for immediate intervention including delivery of community-based programs and any other assistance or services to identify and address the student's needs on an emergency basis;

(5) A process including specific due process procedures, for a parent, guardian, or student to appeal any attendance violation decisions made by the educational institution; and

(6) A process to ensure that the LEA maintains complete, accurate, and contemporaneous records of the work of the school-based student support team to reduce unexcused absences, including records of all meetings that take place after a student accumulates five (5) or more unexcused absences in one (1) marking period or other similar time frame and after a student accumulates ten (10) unexcused absences at any time during a school year.

2103.3 In addition to the report required at the end of each school year pursuant to D.C. Official Code § 38-203(i), an educational institution shall provide, upon request, student-level data and records evidencing the work of school-based student support teams.

2103.4 A school-based student support team shall be guided by the following principles:

(a) Prior to performing school-based student support team functions, appointed team members shall be provided training on the compulsory attendance laws, regulations, and policies of the District of Columbia and OSSE; absenteeism and truancy intervention strategies and best practices; and available remedies and services to ameliorate the causes of absenteeism and truancy;

(b) A school-based student support team shall include the educational institution's designated attendance monitor;

- (c) Core school-based student support team membership should typically include a:
 - (1) General education teacher;
 - (2) School nurse, psychologist, counselor, and/or social worker, if applicable; and
 - (3) School administrator with decision-making authority.

- (d) Selection of additional members of a team should be guided by the needs of the particular student, which may include the following:
 - (1) IDEA/Section 504 coordinator and/or special education personnel;
 - (2) Early learning/Head Start teacher;
 - (3) Bilingual or English as a second language teacher;
 - (4) Representatives of CFSA and/or Department of Youth Rehabilitation Services (DYRS);
 - (5) McKinney-Vento homeless liaison; and/or
 - (6) Guardian ad litem.

2103.5 Each educational institution shall develop a process to refer students to District of Columbia entities under the following circumstances:

- (a) Students ages five (5) through thirteen (13) shall be referred by the educational institution to the Child and Family Services Agency not later than two (2) business days after the accrual of ten (10) unexcused absences within a school year; and
- (b) Beginning in the 2013-14 school year, students ages fourteen (14) through seventeen (17) shall be referred by the educational institution to the Court Social Services Division of the Superior Court of the District of Columbia and to the Office of Attorney General Juvenile Section no later than two (2) business days after the accrual of fifteen (15) unexcused absences within a school year.

2103.6 Copies of the following documents shall be provided with a referral made pursuant to this chapter:

- (a) The student’s attendance and absence record;
- (b) Any prevention and intervention plans;
- (c) Documentation related to referrals and outcome of such referrals;
- (d) Documentation representing evidence of communications, services, and attendance related interventions taken by the school;
- (e) Documentation of suspected educational neglect;
- (f) Documentation of personal contacts with, and written notification to, parents or guardians with regard to the unexcused absences; and
- (g) If applicable, the student’s Individualized Education Program pursuant to IDEA or Section 504 services plan, with any supporting evaluations or assessments.

2199 DEFINITIONS

2199.1 **“Absence”** --A full or partial school day on which the student is not physically in attendance at scheduled periods of actual instruction at the educational institution in which s/he was enrolled or attended, and is not in attendance at a school-approved activity that constitutes part of the approved school program.

“Absenteeism” -- A pattern of not attending school, including the total number of school days within one school year on which a student is marked with an excused or unexcused absence.

“Action plan” --A written document that is designed to meet the individual and specialized needs of the student and contains the relevant details of the student’s attendance record, the school-based or third-party-provided interventions toward addressing the underlying causes of truancy as determined by the school-based student support team, and expected attendance goals.

“Attendance monitor” --The person(s) designated by the principal or chief school administrator of an educational institution to be responsible for collecting, maintaining, and reporting attendance records that are required pursuant to District of Columbia compulsory education and school attendance laws, regulations, and OSSE policies for each student enrolled in the educational institution.

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

“Chronically Truant” -- A school aged child who is absent from school without a legitimate excuse for ten (10) or more days within a single school year.

“Consultation” --A meeting or conversation between the school-based student support team of an educational institution and a student’s parents or guardians in which the team, on the part of the educational institution, engages in meaningful discussions about the issues underlying the student’s absenteeism prior to making any decision about action plans, interventions, or services to address the student’s absenteeism.

“Educational institution” --a school in the District of Columbia Public Schools system, or a public charter school.

“Educational neglect” --The failure of a parent or guardian to ensure that a child attends school consistent with the requirements of the law including, without limitation, the failure to enroll a school-age child in an educational institution or provide appropriate private instruction; permitting chronic absenteeism from school; inattention to special education needs; refusal to allow or failure to obtain recommended remedial education services; or the failure to obtain treatment or other special education services without reasonable cause.

“Elementary/secondary educational program” --A course of instruction and study from and including pre-Kindergarten through the end of high school, any portion thereof, or its equivalent.

“Enrollment” --A process through which a student obtains admission to a public or public charter school that includes, at a minimum the following stages:

- (1) Application by student to attend the school;
- (2) Acceptance and notification of an available slot to the student by the school;
- (3) Acceptance of the offered slot by the student (signified by completion of enrollment forms and parent signature on a “letter of enrollment agreement form”);
- (4) Registration of the student in the Student Information System (SIS) by school upon receipt of required enrollment forms and letter of enrollment agreement; and

- (5) Receipt of educational services, which are deemed to begin on the first official school day.
- (6) The LEA's obligation to determine eligibility for special education services or to provide special education services on an existing IEP is triggered upon completion of registration (stage 4).

"IDEA" --The "Individuals with Disabilities Education Act", approved April 13, 1970 (84 Stat. 191; 20 U.S.C. §1400 et seq.), as amended by Pub. L. 108-446, approved December 3, 2004 (118 Stat. 2647).

"Full school day" --The entirety of the instructional hours regularly provided on a single school day.

"Late arrival" --Arrival by a student at the educational institution after the official start of the school day as defined by the educational institution. Late arrival does not include any period of time that would constitute a partial school day as defined by this chapter.

"LEA" -- Local Educational Agency, pursuant to 20 USCS § 7801(26)(A), a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

"Marking period" --A portion of a school year between two dates, at the conclusion of which period students are graded or marked.

"McKinney-Vento" --The "McKinney-Vento Homeless Assistance Act of 1987", as amended, Title VII, Subtitle B; 42 U.S.C. 11431-11435.

"OSSE" --The Office of the State Superintendent of Education.

"Partial school day" --At least twenty percent (20%) of the instructional hours regularly provided on a single school day; which shall be deemed to be a full school day, when a student is absent during this period of time without an excused absence.

"Parent" --A parent, guardian, or other person who resides in the District and who has custody or control of a minor five (5) years of age or older.

“Present” --A single school day on which the student is physically in attendance at scheduled periods of actual instruction at the educational institution in which she or he was enrolled and registered for at least eighty percent (80%) of the full instructional day, or in attendance at a school-approved activity that constitutes part of the approved school program for that student.

“School-age child” --A child who between five (5) years of age on or before September 30 of the current school year or eighteen (18) years.

“Section 504” --Section 504 of the “Rehabilitation Act of 1973”, approved September 26, 1973 (87 Stat. 394; 29 U.S.C. § 794).

“STEM” --Educational instruction in science, technology, engineering, and mathematics.

“Truant” --A school-age child who is absent from school without a legitimate excuse for absence.

“Truancy rate” --The incidence of students who are absent without valid excuse as defined by 5 DCMR A § 2102 on ten (10) or more occasions within a single school year, divided by the total number of students enrolled for a single school year, as determined by the final enrollment audit conducted by OSSE, pursuant to D.C. Official Code § 38-203. Truancy rate may be calculated and reported at the school, LEA, and state levels.