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**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- (1) Repealed.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 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.