

THE OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in Section 3(b)(11) of the District of Columbia State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§38-2602 (b) (11) and 38-2609) (2007 Supp.), (“SEOE”), and Article II, Sections 1 and 4 of an Act to provide compulsory education and school attendance, and for the taking of a school census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat. 806; D.C. Official Code §§38-202 through 205) (2001), hereby gives notice of its intent to amend Title 5, Chapter 21, Section 2103 of the *District of Columbia Municipal Regulations* (DCMR), entitled “Attendance and Transfers.”, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The purpose of the amendment is to focus on a state standard and protocol to address a student’s truant behavior for students enrolled in the District of Columbia Public Schools and public charter schools, referred to collectively as Local Education Agencies (“LEAs”).

This amendment requires LEAs to develop a collaborative truancy protocol seeking to reduce truant behavior, maximize student school attendance, and enhance a student’s academic progress. In this regard, these proposed amendments to Section 2103 reflect the work of a District of Columbia Truancy Task Force, including among others, members of the public at large, representatives from the District of Columbia Public Charter School Board, educational advocates, staff from the District of Columbia Public Schools, the District of Columbia Child and Family Services Agency, other District of Columbia agencies, District of Columbia court officials, the Criminal Justice Coordinating Council and the Metropolitan Police Department. The proposed revision to Section 2103 recognizes the Task Force findings that a truancy prevention program should have a robust assessment capacity with a range of responses that are both preventive and intervening. Finally, the amendment seeks to further facilitate the ability of the State Superintendent of Education to collect accurate data in accordance with Federal and District of Columbia reporting requirements.

Title 5 DCMR, Chapter 21, Section 2103 is amended to read as follows:

2103 Truancy

- 2103.1 Each school-aged child who resides in the District of Columbia is required to attend a public, independent, private, or parochial school or otherwise receive a thorough and regular education through private instruction pursuant to Chapter 52 of this Title. An absence without a valid excuse pursuant to this Chapter shall be unlawful and constitute truancy.

- 2103.2 Each LEA shall develop and implement in each of its schools a specific framework or process for truancy reduction that focuses on academic and

behavioral intervention to address the needs of students and shall include without limitation the following:

- (a) A description of valid and unlawful absences consistent with this Chapter;
- (b) A process for informing, training, and educating school staff, students, parents, guardians, and the community of the LEA's truancy reduction methods, attendance policy, and related collaborative services;
- (c) A procedure for monitoring, reporting, addressing, and evaluating attendance and absences consistent with District of Columbia attendance reporting requirements including:
 - (1) A procedure requiring personal contact(s) with the parent or guardian of a student each time a student has the equivalent of one (1) day of unexcused absence and defining the reasonable timeframe in which this contact must be made;
 - (2) A continuum of services including meaningful supports, incentives, intervention strategies, and consequences for dealing with absenteeism, both at the beginning of absenteeism and in those circumstances where chronic absenteeism persists;
 - (3) Consultation with parents or a guardian by a school-based student support team, or comparable designee(s) as determined by the LEA to develop and implement case management as appropriate;
 - (4) A referral process whereby any student with five (5) or more unlawful absences shall be referred within a specified timeframe to a school-based student support team, which shall:
 - (A) Address and review the student's attendance and related issues;
 - (B) Provide timely responses to the student's truant behavior;
 - (C) Make recommendations for diagnostic or social work services;

- (D) Develop an attendance intervention plan in consultation with the student's parents or guardian; and
 - (E) Use school and community resources to abate the student's truancy; and
- (5) Record-keeping and reporting in a format consistent with data reporting requirements specified by the Office of the State Superintendent of Education;
- (d) A process, including specific due process procedures, for appealing any attendance violation decisions at the school and LEA levels;
- (e) A referral process to the District of Columbia Child and Family Services Agency whereby students between the ages of five (5) and thirteen (13), as well as students with special needs, with ten (10) or more unlawful absences accumulated within one school year shall be referred by the LEA to the Child and Family Services Agency with copies of:
- (1) The truancy record;
 - (2) The local school's intervention plan, and all documentation representing evidence of attendance interventions taken by the school for suspected educational neglect, including personal contacts with, and written notification to, parents or guardians with regard to the unexcused absences;
 - (3) The child's attendance records; and
 - (4) If applicable, the child's Individualized Education Program;
- (f) A referral process whereby students over the age of thirteen (13) who have fifteen (15) or more accumulated days of unexcused absence within one school year may be referred by the LEA to the Office of the Attorney General; the Family Branch, Social Services Division, D.C. Superior Court; or other appropriate agency to safeguard the student's well being which shall include copies of:
- (1) All documentation representing evidence of attendance interventions taken by the school, including personal contacts with, and written notification to, parents or guardians with regard to the unexcused absences;
 - (2) The child's attendance records; and

(3) If applicable, the child’s Individualized Education Program;

(g) A process to provide written notification to a parent or guardian in the event a referral is made under paragraphs (e) and (f) of this subsection.

2103.3 The standards for school attendance may identify a specific number of excessive or unlawful absences allowed within a marking period, semester, or school year, provided that reporting is consistent with applicable laws and regulations.

2103.4 The Office of the State Superintendent shall develop reporting procedures as appropriate to assist educational institutions and private instructors with compliance with reporting requirements under applicable federal and District of Columbia laws.

2199 Definitions

“Local Education Agency (LEA)” means an educational institution at the local level that exists primarily to operate schools or to contract for educational services, including the District of Columbia Public Schools (DCPS) and each individually chartered public charter school.

“Truant” means a school aged child who is absent without lawful cause as defined in this chapter from attendance for a school day or portion of it.

“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.

“School-aged child” means a child who is five (5) years old or older by September 30 of a current school year but who has not yet reached his or her eighteenth (18th) birthday.

Persons wishing to comment on these proposed rules should submit their comments in writing to Deborah A. Gist, State Superintendent of Education, 441 4th Street, NW, Room 350N, Washington, D.C. 20001, Attn: Beth Colleye. All comments must be received by the Office of the State Superintendent of Education not later than thirty (30) days after publication of this notice in the *DC Register*. The proposed rulemaking amendment and related information may also be obtained on the Office of the State Superintendent website at osse.dc.gov; or by contacting the Office of the State Superintendent of Education in writing or calling (202) 727-6436.