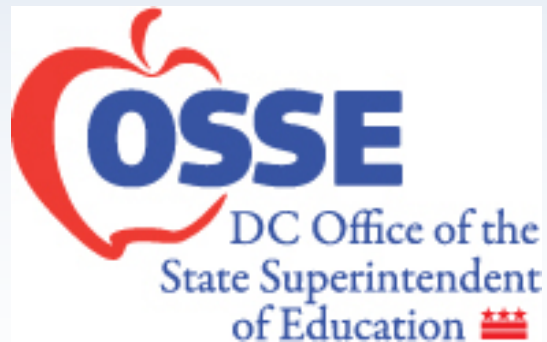


Proposed Truancy Regulations

State Board of Education
Public Meeting
11/19/08



Background

- The truancy regulations were first introduced to the SBOE at the September 17th public meeting.
- They were developed utilizing extensive input from the community, including the Child and Family Services Administration, the local education agencies, and particularly the Truancy Taskforce.
- The proposed regulations were publicly introduced and posted for thirty days of public comment in the DC Register (ending October 27th).
- During that public comment period, the OSSE became aware of new data from the 2007/2008 school year that illustrated the effects that the proposal would have had on agencies like CFSA.
 - Under the previously proposed regulations, CFSA would receive more referrals than they had in the entire previous year through traditional referrals.
- As a result, the OSSE re-engaged its partner agencies to develop a new proposal that would both ensure adequate interventions for students, while also not overburdening any of the agencies required to provide the interventions.

Original Proposal

- (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;

Current Proposal

- 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 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 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;
 3. A referral process whereby **within two (2) school days** after a student has accumulated five (5) or more unexcused absences in one marking period or other similar time frame, the student shall be referred to a school-based student support team which will meet within two days of the referral and regularly thereafter to:
 - a. Review and address the student's attendance and related issues;
 - b. Communicate and/or collaborate with the parents or guardian;
 - 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, without limitation, referral to a community-based organization when available; and
 - f. **Develop an attendance intervention plan in consultation with the student's parents or guardian.**
 4. **In the event a student accumulates ten (10) unexcused absences at any time during a school year, the school-based student support team assigned to the student must notify the school administrator within two (2) days of the tenth (10th) unexcused absence with a plan for immediate intervention including, without limitation, delivery of community based programs and any other assistance or services to identify and address the student's needs on an emergency basis; and**
 5. A process at the LEA, including specific due process procedures, for a parent, guardian, or student to appeal any attendance violation decisions made by the LEA or an individual school within an LEA.

Original Proposal

(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.

Current Proposal

2103.4 Each LEA shall develop a referral process for students to District of Columbia entities outside the LEA under the following circumstances:

- A. Students between the ages of five (5) and thirteen (13) **shall be referred by the LEA to the Child and Family Services Agency (CFSA) no later than two (2) school days after the accrual of ten (10) consecutive unexcused absences and/or completion of the procedures specified in Section 2103.2 above, or immediately at any time that education neglect is suspected;** Students between the ages of five (5) and thirteen (13) **shall be referred by the LEA to the Child and Family Services Agency (CFSA) no later than two (2) school days after the accrual of twenty (20) unexcused absences within one school year and completion of the intervention process or immediately at any time education neglect is suspected; and**
- B. Students over the age of thirteen (13) shall be referred by **the LEA to the Court Social Services, Superior Court of the District of Columbia, and the Office of the Attorney General (OAG) Juvenile Section no later than two (2) school days after the accrual of twenty five (25) or more unexcused absences at any time within one school year.**

2103.5 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, documentation related to referrals and outcome of such referrals, and all documentation representing evidence of communications, services, and attendance related interventions taken by the school; documentation of suspected educational neglect; personal contacts with, and written notification to, parents or guardians with regard to the unexcused absences; and,
- C. If applicable, the student's Individualized Education Program with any supporting evaluations or assessments.

Original Proposal

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.

Current Proposal

- 2103.6 Written notification of any referral made pursuant to this Section shall be provided to a parent or guardian at the time a referral is made.
- 2103.7 The standards for school attendance may identify a specific number of excessive or unexcused absences allowed within a marking period, semester, or school year, provided that reporting is consistent with applicable laws and regulations.
- 2103.8 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.

Current Proposal

- The current proposal also added a definition for “educational neglect”:
 - “Educational Neglect” means 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 habitual 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.

Proposed Timeline

- The current proposed regulations will be posted in the DC Register on Friday, November 12th.
- They will be presented to the SBOE at the November 19th public meeting.
- A public hearing will be held on December 9th at 6 p.m.
- A working session with the SBOE will be held following the close of the public comment period on December 16th.
- The SBOE will vote on the proposed truancy regulations at the December 17th public meeting.