

A BILL

20-72

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes to establish truancy procedures with inter-agency coordination, and to require the Office of Attorney General to submit an annual truancy status report; to require the Office of the State Superintendent of Education to submit to the Mayor and the Secretary to the Council recommendations for eliminating out-of-school suspensions and expulsions; and to make a technical amendment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Attendance Accountability Amendment Act of 2013”.

TITLE I. ENHANCING SCHOOL ATTENDANCE

Sec. 101. An Act To provide for compulsory school attendance, 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 § 38-201 *et seq.*), is amended as follows:

(a) Section 1 of Article I (D.C. Official Code § 38-201) is amended as follows:

(1) Paragraph (1) is repealed.

(2) A new paragraph (2A) is added to read as follows:

“(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.”.

(3) Paragraph (3A) is redesignated (3B).

(4) A new paragraph (3A) is added to read as follows:

1 “(3A) "Parent" means a parent, guardian, or other person who resides in the
2 District and who has custody or control of a minor 5 years of age or older.”.

3 (b) Article II is amended as follows:

4 (1) Section 6 (D.C. Official Code § 38-251) is amended by adding a new
5 subsection (c) to read as follows:

6 “(c) Within 2 business days of a minor student’s 10th unexcused absence during a school
7 year, the educational institution shall, under the signature of the Chief of the Metropolitan Police
8 Department, send the minor student’s parent a letter notifying the parent that he or she may be in
9 violation of the school attendance requirements under this act and may be subject to
10 prosecution.”.

11 (2) New sections 7 and 8 are added to read as follows:

12 “Sec. 7. Truancy procedures; inter-agency coordination.

13 “(a) If a minor student accumulates 10 unexcused absences during a school year, the
14 educational institution shall notify the Metropolitan Police Department within 2 business days
15 after the 10th unexcused absence.

16 “(b) Within 2 business days of the 10th unexcused absence, the educational institution
17 shall notify the Office of the State Superintendent of Education who shall provide the parent with
18 the truancy prevention resource guide created pursuant to section 3(b)(19) of the State Education
19 Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official
20 Code § 38-2602 (b)(19)), if the parent has not received the truancy prevention resource guide
21 prior to the 10th unexcused absence.

22 “(c) In addition to the requirements set forth in subsections (a) and (b) of this section:

1 “(1)(A) The educational institution shall refer a minor student 5 years of age
2 through 13 years of age to the Child and Family Services Agency pursuant to section 2(a-1) of
3 An Act To provide for the mandatory reporting by physicians and institutions in the District of
4 Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C.
5 Official Code § 4-1321.02(a-1)), no later than 2 business days after the accrual of 10 unexcused
6 absences within a school year.

7 “(B)(i) Beginning in the 2013-2014 school year, the educational
8 institution shall refer a minor student 14 years of age through 17 years of age to the Court Social
9 Services Division of the Superior Court of the District of Columbia and to the Office of the
10 Attorney General Juvenile Section no later than 2 business days after the accrual of 15
11 unexcused absences within a school year.

12 “(ii) Beginning on October 1, 2014, this subparagraph shall apply as
13 of the date that the funds necessary to implement subparagraph (B) become available, as certified
14 by the Chief Financial Officer to the Budget Director of the Council in a certification published
15 by the Council in the District of Columbia Register.

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

21 “Sec. 8. Reporting requirements.

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

4 “(1) Referrals it received from each educational institution;

5 “(2) Cases it filed pursuant to this act, and the outcome of each;

6 “(3) Child-in-need of supervision cases filed pursuant to this act, and the outcome
7 of each; and

8 “(4) Students who were enrolled in a court diversion program, or other diversion
9 program pursuant to this act.”.

10 Sec. 102. Section 3(b)(19) of the State Education Office Establishment Act of 2000,
11 effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(19)), is amended
12 by striking the phrase “October 1, 2013” and inserting the phrase “August 1, 2013” in its place.

13 TITLE II. SUSPENSION AND EXPULSION REPORT

14 Sec. 201. Within 180 calendar days of the effective date of this act, the Office of the
15 State Superintendent of Education shall submit to the Mayor and the Secretary to the Council a
16 report with findings and recommendations to aid each educational institution to eliminate out-of-
17 school suspensions and expulsions, except for those students who pose a reasonable threat of
18 death or serious bodily harm to themselves or others or violate the Expulsion of Students Who
19 Bring Weapons Into Public Schools Act of 1996, effective April 9, 1997 (D.C. Law 11-174; D.C.
20 Official Code § 38-231 *et seq.*).

1 III. TECHNICAL AMENDMENT.

2 Sec. 301. Section 4 of the Safe Children and Safe Neighborhoods Educational Neglect
3 Mandatory Reporting Amendment Act of 2010, effective October 26, 2010 (D.C. Law 18-242;
4 57 DCR 7555), is repealed.

5 TITLE IV. GENERAL PROVISIONS

6 Sec. 401. Fiscal impact statement.

7 The Council adopts the fiscal impact statement in the committee report as the fiscal
8 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
9 approved December 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

10 Sec. 402. Effective date.

11 This act shall take effect following approval by the Mayor (or in the event of veto by the
12 mayor, action by the Council to override the veto), a 30-day period of Congressional review as
13 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
14 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
15 Columbia Register.