

The DC Attendance Accountability Amendment Act of 2013: What You Need to Know About Truancy and the Court

TRAINING MATERIALS PACKET

March 28, 2014

The DC Attendance Accountability Amendment Act of 2013: What You Need to Know About Truancy and the Court

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DC Code Red Rule of the Attendance Accountability Amendment Act of 2013¹

§ 38-201. Definitions

For the purposes of this subchapter, the term:

- (1) Repealed.
- (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.
 - (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.
- § 38-207. Authority of police over truant child
- (a) (1) The Office of the State Superintendent of Education, after consultation with the District of Columbia Public Schools, the Public Charter School Board, the Child and Family Services agency, and the Metropolitan Police Department, shall establish truancy centers in the District of Columbia for the delivery of truant public school and public charter school students by the Metropolitan Police Department.
- (2) A law enforcement officer shall take to the nearest truancy center any child who the law enforcement officer has reasonable grounds to believe, based on the child's age and other factors, is truant from a public or public charter school on a day and during the hours when the public or public charter school is in session.
- (3) The law enforcement officer shall take into custody any child who the law enforcement officer has reasonable grounds to believe is a truant from any independent, private, or parochial school on a day and during the hours when the independent, private, or parochial school is in session.
- (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, under the signature of the Chief of the Metropolitan Police Department, send the minor student's parent a letter notifying the parent that he or she may be in violation of the school attendance requirements under this subchapter and may be subject to prosecution.

¹ This does not include conforming amendments.

	§ 38-208.	Truancy	procedures:	inter-agency	coordination
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- (a) If a minor student accumulates 10 unexcused absences during a school year, the educational institution shall notify the Metropolitan Police Department within 2 business days after the 10th unexcused absence.
- (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 subsections (a) and (b) of this section:
- (1) (A) 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 absences within a school year.
- (B) Beginning in the 2013-2014 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 absences within 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.

§ 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.

§ 38-235. Suspension and expulsion report

Within 180 calendar days of September 19, 2013, the Office of the State Superintendent of Education shall submit to the Mayor and the Secretary to the Council a report with findings and recommendations to aid each educational institution to eliminate out-of-school suspensions and expulsions, except for those students who pose a reasonable threat of death or serious bodily harm to themselves or others or violate Part A of this subchapter [§ 38-231 et seq.].



COUNCIL FOR COURT EXCELLENCE TRAINING Compulsory School Attendance/ Truancy Laws and Regulations

March 28, 2014

OVERVIEW OF COMPULSORY SCHOOL ATTENDANCE/ TRUANCY LAWS

- Compulsory attendance—every school-age child residing in the District must attend school or receive private instruction (D.C. Official Code § 38-201 et seq; 5 D.C.M.R. § A2100 et seq)
 - o School age—5-18 years old, including children who will be 5 by September 30th of the current school year
 - o Truancy—each time a school-age child misses school without valid excuse; 10+ unexcused absences = chronic truancy
- Enforcement—both civil and criminal
 - o Unlawful absence—criminal enforcement when a parent/guardian fails to keep minor child in regular attendance in school, or regularly receiving private instruction (D.C. Official Code § 38-203(d)-(h)); each unexcused absence is unlawful; unlawful absences of 2 full school days of 4 half school days are separate criminal offenses
 - Educational neglect—civil enforcement when a parent/guardian fails to provide child with proper education as required by law (D.C. Official Code § 16-2301(9)(A)); mandatory reporters of educational neglect (D.C. Official Code § 4-1321.02(a-1)); based on referral to Child and Family Services Agency
 - o Child (person) in need of supervision (PINS)— civil enforcement when a child is habitually truant from school without justification (D.C. Official Code § 16-2301(8)); based on referral to Court Social Services & OAG Juvenile Division

MANDATED ABSENTEEISM/ TRUANCY INTERVENTIONS

Triggering Event	Mandated Truancy Intervention	Responsible Entity	Timeframe for Intervention
1 unexcused absence	Reasonable and diligent efforts at personal contact with the parent to obtain an explanation of reason for absence	School Administrator	Same day as absence and daily follow-ups as necessary
5 unexcused absences w/in marking period or similar timeframe	Referral of student to school-based student support team	School Administrator	Within 2 school days of 5 th unexcused absence
Referral to school- based student support team	School-based student support team meets to determine underlying causes of absences & develop & implement action plan for addressing absenteeism	School-based student support team	Within 5 school days of referral of student to school-based student support team and regularly thereafter
10 unexcused absences during a school year	Provide plan to School Administrator for immediate truancy intervention including delivery of community-based or other services on an emergency basis	School-based student support team	Within 2 school days of 10 th unexcused absence
10 unexcused absences during a school year	Notice to MPD of potential criminal violations	School Administrator	Within 2 business days of 10 th unexcused absence
10 unexcused absences during a school year	Letter sent to parent under signature of Chief of MPD containing notice of potential criminal violations & potential prosecution	School Administrator	Within 2 business days of 10 th unexcused absence
10 unexcused absences during a school year	Notice to OSSE to send truancy prevention resource guide to parent	School Administrator	Within 2 business days of 10 th unexcused absence
10 unexcused absences within a school year by a child age 5-13	Referral of student to Child and Family Services (CFSA) for educational neglect investigation	School Administrator	Within 2 business days of 10 th unexcused absence
15 unexcused absences within a school year by a child age 14-17	Referral of student to Court Social Services Division for PINS investigation	School Administrator	Within 2 business days of 15 th unexcused absence
15 unexcused absences within a school year by a child age 14-17	Referral of student to OAG Juvenile Division for PINS investigation	School Administrator	Within 2 business days of 15 th unexcused absence



TIMELINE OF RECENT CHANGES TO COMPULSORY SCHOOL ATTENDANCE/ TRUANCY LAWS

- 06/07/12—South Capitol Memorial Amendment Act of 2012 becomes effective
- 07/26/12—Mayor's Order issued delegating authority to implement truancy provisions of South Capitol Act to OSSE
- 01/04/13—OSSE publishes Proposed Rulemaking to implement South Capitol Act
- 02/20/13—State Board of Education (SBOE) holds public hearing on OSSE's Proposed Rulemaking for South Capitol Act
- 03/15/13—OSSE publishes 2nd Proposed Rulemaking for South Capitol Act with changes based on public comments received
- 05/24/13—OSSE publishes 3rd Proposed Rulemaking for South Capitol Act with changes based on public comments received
- 06/19/13—SBOE issues a resolution approving the OSSE's Final Rulemaking for South Capitol Act
- 06/28/13—OSSE publishes Final Rulemaking implementing South Capitol Act and acknowledging that further amendments are likely due to the pending Attendance Accountability Amendment Act of 2103
- 09/19/13—Attendance Accountability Amendment Act of 2103 becomes effective
- 11/15/13—OSSE publishes Proposed Rulemaking to implement Attendance Accountability Act
- 11/20/13—SBOE holds a public hearing on OSSE's Proposed Rulemaking for Attendance Accountability Act
- 12/18/13— SBOE issues a resolution approving the OSSE's Final Rulemaking for Attendance Accountability Act
- 01/08/14—SBOE holds a public hearing on the current definition of the term "present" in OSSE regulations
- 01/10/14—OSSE publishes Final Rulemaking implementing Attendance Accountability Act

HISTORY OF COMPULSORY SCHOOL ATTENDANCE/TRUANCY LAWS

An Act to provide for the Public Instruction of Youth in the County of Washington, District of Columbia, and for other Purposes, effective June 25, 1864 (38th Congress Sess. I, ch. 156)

- Mandated that children ages 8-14 must attend school ("school-age")
- Mandated minimum annual school attendance of 12 weeks per year, 6 weeks of which must be consecutive
- Established duty to ensure school attendance for any District resident "having under his or her control" a school-age child
- Imposed penalty for neglect of duty to ensure school attendance of \$20 fine paid to school unless:
 - Responsible adult was unable to send the child to school for any reason
 - School-age child attended another school
 - School age child was "not fit" to attend school due to bodily or mental infirmity

An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, effective February 4, 1925 (42 Stat. 806; D.C. Official Code § 38-201 et seq.)

- Expanded school-age to include children ages 7-16
- Amended annual school attendance minimum to include the period of the year in which District public schools are in session
- Mandated that school-age child receive regular instruction in a public, private, or parochial school, or through private instruction
- Mandated instruction provided outside of public school be deemed by the Board of Education (BOE) to be equivalent to the instruction in public schools
- Expanded applicability of duty to ensure school attendance to include temporary or permanent District residents
- Deemed any absence from school by a school-age child without valid excuse as unlawful; Deemed failure to keep a school-age child in school as a misdemeanor
- Amended penalty for failure to ensure attendance of school-age child to be a \$10 fine or five days in jail, or both
- · Established penalty for parent, guardian, custodian, principal, or teacher who willfully neglects or refuses to provide required

information, or who provides false information to be a \$10 fine or five days in jail, or both

- Established jurisdiction of Juvenile Court over all cases arising from the Act
- Authorized BOE to excuse school-age child from school attendance requirements if:
 - Child satisfactorily completed 8th grade and is lawfully and regularly employed
 - o BOE finds child "to be unable mentally or physically to profit from attendance at school"
- Mandated public, private, or parochial school teachers, and private instruction teachers to keep a daily, accurate attendance record
- Mandated referral to Department of School Attendance and Work Permits by the principal or head teacher of school-age child who is absent without valid excuse within a school month for 2 whole school days or 4 half school days

An Act 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, effective March 8, 1991 (D.C Law 8-247)

- Expanded applicable schools to include independent schools
- Expanded school-age to include ages 5-18, including children who will become age 5 by December 31st of the current school year
- Exempted summer school from compulsory school attendance requirements
- Established that compulsory attendance requirements cease when:
 - Child reaches the age of 18
 - o Child satisfactorily completes a senior high course of study prescribed by the BOE and receives a diploma
 - o Child receives a certificate or diploma from a program deemed by the BOE to be equivalent to a high school diploma
- Authorized Superintendent of Schools to grant flexible school schedule for a child age 17 who is lawfully and regularly employed
- Amended referral of children who are absent without excuse to go to the BOE
- Expanded persons with duty to refer absent children to the BOE to include principal, head teacher, school administrative officer, and teacher providing private instruction
- Amended penalty for failure to keep a school-age child in regular attendance at a public, independent, private, or parochial school, or failure to provide regular private instruction, to be \$100 fine or 5 days in jail, or both, or community service

Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C Law 17-9)

- Established Deputy Mayor for Education to coordinate collaborative efforts of District government agencies relating to education
- Established OSSE as the State education agency; repealed BOE and transferred existing state authority of former BOE to OSSE
- Established current State Board of Education (SBOE) and granted SBOE authority to approve state rules for enforcing school attendance requirements

Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C Law 17-202)

• Amended school-age to include students who will reach the age of 5 by September 30th of the current school year

Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010, effective October 26, 2010 (D.C Law 18-242)

- Established mandatory reporting requirements upon all persons identified as mandatory reporters for abuse and neglect, in addition to public, independent, private, or parochial schools
- Mandated educational neglect reporting to CFSA for child age 5-13 who has 10+ unexcused absences within a school year

South Capitol Street Memorial Amendment Act of 2012, effective June 7, 2012 (D.C Law 19-141)

- Established student behavioral health reports, referrals, assessments, and expansion of services
- Created school-based student support teams (SBSST) to develop and implement truancy intervention plans
- Mandated referral to SBSST of students who accrue 5 or more unexcused absences in one marking period for truancy intervention
- Mandated retention of action plans implemented by SBSST and any truancy intervention services utilized
- Mandated each school designate an attendance monitor as responsible for collecting, maintaining, and reporting attendance data
- Mandated OSSE to create a truancy resource guide for parents
- Amended timeframe for CFSA referral for students age 5-13 to remove requirement that 10 unexcused absences be consecutive
- Amended the timeframe for the referral to Court Social Services for truant students age 14 and above to require referral after 25 unexcused absences until the 2014-15 school year, when referral will be required after 20 unexcused absences
- OSSE rulemaking implementing the Act:
 - o Established new definitions (truancy rate, present, absent, full/partial school day, late arrival, chronic absenteeism, chronically truant)
 - o Mandated schools to establish research-based absenteeism protocols
 - o Prohibited off-site suspension and expulsion as absenteeism or truancy interventions
 - o Established suspension- and expulsion-related absence reporting
 - o Expanded required attendance records & attendance recordkeeping and reporting requirements
 - o Mandated annual designation & reporting to OSSE of school's attendance monitor
 - o Established annual reporting by OSSE of schools' truancy rates and compliance with truancy laws
 - o Established approved reasons for student absences
 - o Established guiding principles for school-based student support teams
 - Established minimum documents to be included with truancy intervention referrals

Attendance Accountability Amendment Act of 2013, effective September 19, 2013 (D.C. Law 20-17)

- Redefined the terms "educational institution" and "parent"
- Mandated educational institutions to send notice to MPD and OSSE within 2 business days after the student's 10th unexcused absence within a school year
- Mandated OSSE to provide truancy resource guide to parent upon receipt of notice of 10th unexcused absence
- Mandated educational institutions to provide notice to parents within 2 business days after the student's 10th unexcused absence that parent may be subject to prosecution for violation of compulsory attendance laws
- Amended timeframe for referral for truant students age 14-17 to require referral after 15 unexcused absences within a school year
- Amended recipient of 14-17 year-old truant referrals to include OAG's Juvenile Division
- Mandated OAG Juvenile Division to provide notice to parents within 3 business days of receiving notice from the educational
 institution that parent may be subject to prosecution for violation of compulsory attendance laws
- Mandated OSSE to submit a report to D.C. Council within 180 calendar days with findings and recommendations designed to eliminate off-site suspensions and expulsions
- OSSE rulemaking to implement the Act was purely technical

Speaker: Adrianne Day

Assistant General Counsel

Office of the State Superintendent of Education

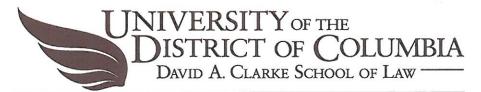
As used in this subchapter...

- (8) The term "child in need of supervision" means a child who --
- (A) (i) <u>subject to compulsory school attendance and habitually truant from school without justification;</u>
 - (ii) has committed an offense committable only by children; or
- (iii) is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable; and
 - (B) is in need of care or rehabilitation.
 - (9) (A) The term "neglected child" means a child:
- (i) who has been abandoned or abused by his or her parent, guardian, or custodian, or whose parent, guardian, or custodian has failed to make reasonable efforts to prevent the infliction of abuse upon the child. For the purposes of this sub-subparagraph, the term "reasonable efforts" includes filing a petition for civil protection from intrafamily violence pursuant to § 16-1003;
- (ii) who is without proper parental care or control, subsistence, **education as required by law**, or other care or control necessary for his or her physical, mental, or emotional health, and the deprivation is not due to the lack of financial means of his or her parent, guardian, or custodian;
- (iii) whose parent, guardian, or custodian is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity;
- (iv) whose parent, guardian, or custodian refuses or is unable to assume the responsibility for the child's care, control, or subsistence and the person or institution which is providing for the child states an intention to discontinue such care;
- (v) who is in imminent danger of being abused and another child living in the same household or under the care of the same parent, guardian, or custodian has been abused;
- (vi) who has received negligent treatment or maltreatment from his or her parent, guardian, or custodian;
- (vii) who has resided in a hospital located in the District of Columbia for at least 10 calendar days following the birth of the child, despite a medical determination that the child is ready for discharge from the hospital, and the parent, guardian, or custodian of the child has not taken any action or made any effort to maintain a parental, guardianship, or custodial relationship or contact with the child;
- (viii) who is born addicted or dependent on a controlled substance or has a significant presence of a controlled substance in his or her system at birth;
- (ix) in whose body there is a controlled substance as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian; or
 - (x) who is regularly exposed to illegal drug-related activity in the home...

DIVISION VI. EDUCATION, LIBRARIES, AND PUBLIC INSTITUTIONS
TITLE 38. EDUCATIONAL INSTITUTIONS
SUBTITLE I. PUBLIC EDUCATION -- PRIMARY AND SECONDARY
CHAPTER 2. COMPULSORY SCHOOL ATTENDANCE AND EXPULSION
SUBCHAPTER I. SCHOOL ATTENDANCE
PART B. COMPULSORY SCHOOL ATTENDANCE

§ 38-203. Enforcement; penalties ...

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



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FEDERAL LAW:

Referral to and Action by Law Enforcement and Judicial Authorities.

- (A) Rule of Construction. Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.
- (B) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

20 U.S.C. § 1415(k)(6)(A)&(B); see also, 34 C.F.R. § 300.535.

D.C. LAW:

Nothing in the Individuals with Disabilities Education Improvement Act, as amended, shall be construed to prohibit DCPS from reporting a crime committed by a child with a disability to appropriate authorities. In reporting a crime committed by a child with a disability to appropriate authorities, DCPS must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to which it reports the crime.

5-B D.C.M.R. § B2510.28 (emphasis added).

Significance of the Delinquency and PINS Intake Process

"Powers of the probation officer" include "mak[ing] investigations, reports, and recommendations to the juvenile court; receiv[ing] and examin[ing] complaints and charges of delinquency, unruly conduct or deprivation of a child for the purpose of considering the commencement of proceedings. . . . [and] mak[ing] appropriate referrals to other private or public agencies of the community if their assistance appears to be needed or desirable..."

Model Juv. Ct. Act § 6 (1968).

D.C. Code Provision § 16-2305(a) Petition; contents; amendment.

(a) Complaints alleging delinquency or need of supervision shall be referred to the Director of Social Services, and complaints alleging neglect shall be referred to the Director of the Child and Family Services Agency, each of whom shall conduct a preliminary inquiry to determine whether the best interests of the child or the public require that a petition be filed. If judicial action appears warranted, under intake criteria established by rule of the Superior Court of the District of Columbia, the Director of Social Services, or the Director of the Agency shall recommend that a petition be filed. If the Director of Social Services, in the case of a complaint alleging delinquency or need of supervision, decides not to recommend the filing of a petition, the complainant shall have a right to have that decision reviewed by the Corporation Counsel. The Director of Social Services, in the case of a complaint alleging delinquency or need of supervision, shall notify the complainant of such right of review. Complaints alleging neglect submitted by the Agency shall be referred directly to the Corporation Counsel of the District of Columbia.

Superior Court Juvenile Rule 103

- (b) Need of supervision cases. -- In determining whether the best interest of the respondent or the public require that a petition be filed, the intake unit shall consider the following factors:
- (1) In habitual truancy cases, the mental and physical condition of the respondent, the number of alleged absences from school, the circumstances surrounding such absences, the efforts of the school or other community resources to remedy the situation, and whether or not judicial action appears appropriate and reasonably likely to remedy the situation.

Mills v. Board of Education of District of Columbia, 348 F.Supp. 866 (D.D.C. 1972).*

THE PROBLEM

The genesis of this case is found (1) in the failure of the District of Columbia to provide publicly supported education and training to plaintiffs and other "exceptional" children, members of their class, and (2) the excluding, suspending, expelling, reassigning and transferring of "exceptional" children from regular public school classes without affording them due process of law. The problem of providing special education for "exceptional" children (mentally retarded, emotionally disturbed, physically handicapped, hyperactive and other children with behavioral problems) is one of major proportions in the District of Columbia.

Id. at 868.

THERE IS NO GENUINE ISSUE OF MATERIAL FACT

Congress has decreed a system of publicly supported education for the children of the District of Columbia. The Board of Education has the responsibility of administering that system in accordance with law and of providing such publicly supported education to all of the children of the District, including these "exceptional" children.

Id. at 870-71 (footnotes omitted).

"Upon consent and stipulation of the parties, it is hereby ORDERED that:

"1. <u>Defendants shall provide plaintiffs</u> ... with a publicly-supported education suited to their (plaintiffs') needs by January 3, 1972.

"2. Defendants shall provide counsel for plaintiffs, by January 3, 1972, a list showing, for <a href="every child of school age then known not to be attending a publicly-supported educational program because of suspension, expulsion, exclusion, or any other denial of placement, the name of the child's parent or guardian, the child's name, age, address and telephone number, the date of his suspension, exclusion or denial of placement and, without attributing a particular characteristic to any specific child, a breakdown of such list, showing the alleged causal characteristics for such nonattendance and the number of children possessing such alleged characteristics."

Id. at 871 (emphasis added).

Failure of a parent to comply with Section 31-201 constitutes a criminal offense. D.C.Code 31-207. The Court need not belabor the fact that requiring parents to see that their children attend school under pain of criminal penalties presupposes that an educational opportunity will be made available to the children. The Board of Education is required to make such opportunity available.

Id. at 874 (emphasis added). Citing to Brown v. Board and Bolling v. Sharpe. Id. at 874-75.

[D]enying poor public school children educational opportunities equal to that available to more affluent public school children was violative of the Due Process Clause of the Fifth Amendment. *A fortiori*, the defendants' conduct here, denying plaintiffs and their class not just an equal publicly supported education but all publicly supported education while providing such education to other children, is violative of the Due Process Clause.

Not only are plaintiffs and their class denied the publicly supported education to which they are entitled many are suspended or expelled from regular schooling or specialized instruction or reassigned without any prior hearing and are given no periodic review thereafter.

Id. at 875.

^{*} Mills and PARC v. Commonwealth of Pennsylvania (334 F.Supp. 1257 (E.D. Pa. 1971); 343 F.Supp. 279 (E.D. Pa. 1972)) were primary catalysts for Congress's passing the federal special education law in 1975.

Congressional Purpose in the I.D.E.A.

"Congress very much meant to strip schools of the unilateral authority they had traditionally employed to exclude disabled students, particularly emotionally disturbed students, from school." *Honig v. Doe*, 484 U.S. 305, 323 (1988).

Delinquency judges generally do not have jurisdiction over special education issues - administrative exhaustion

Special education hearing officers generally do not have jurisdiction over delinquency

Exception (change of placement): *Morgan v. Chris L.*, 927 F. Supp. 267 (E.D. Tenn. 1994), *aff'd*, 106 F.3d 401 (6th Cir. 1997) (unpublished opinion), *cert. denied*, 520 U.S. 1271 (1997).

"The Worst of Both Worlds" (Kent v. United States)

No representation in discipline; no representation in special education Failure or inability to raise in delinquency or PINS case illegality of failure to provide special education services.

Discrimination in Referral for Prosecution

"Of course, it would be a violation of Section 504 of the Rehabilitation Act of 1973 if a school were discriminating against children with disabilities in how they were acting under this authority (e.g., if they were only reporting crimes committed by children with disabilities and not [those] committed by nondisabled students)."

64 Fed. Reg. 12631 (March 12, 1999).

IDEA Eligibility

20 U.S.C. § 1401(3) Child with a disability

(A) In general

The term "child with a disability" means a child--

- (i) with intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in this chapter as "emotional disturbance"), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and
- (ii) who, by reason thereof, needs special education and related services.

Emotional Disturbance

34 C.F.R. § 300.8(c)(4)(i):

"Emotional disturbance" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- (B) An inability to build or maintain satisfactory interpersonal relationship with peers and teachers.
- (C) Inappropriate types of behavior or feelings under normal circumstances.
- (D) A general pervasive mood of unhappiness or depression.
- (E) A tendency to develop physical symptoms or fears associated with personal or school problems.
- (ii) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c)(4)(i) of this section.

Partial Listing of IDEA Services That Substitute for PINS (or Delinquency) "Treatment"

- Specialized Instruction
- Parent Training
- Functional Behavioral Assessment (FBA)
- Behavior Intervention Plan (BIP)
- Social Work Services
- Counseling/Therapy/Behavioral Supports (including various modalities)
- Recreation and Therapeutic Recreation
- Continuum of Placements (including residential)
- Private Placements and Services -- Burlington Remedy; see 34 C.F.R. §300.148(c)
- Vocational Training
- Compensatory Education
- Transition Services (results-oriented, individualized)
- Job Coaching
- Wraparound services (e.g., MST, FFT)
- Advantages of Coordinating with Medicaid Provider (for medicallynecessary services)

Collaborative Approaches

- Juvenile Detention Alternatives Initiative (Annie E. Casey Foundation)
- Judges Teske & Huff Developing a Protocol for Court-Referrals from Schools
- Inter-Agency Collaboration (Integrated System of Care)

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

SUBSTANTIVE AND PROCEDURAL RIGHTS

- FAPE (Free Appropriate Public Education)
- LRE (Least Restrictive Environment)
 - Mainstreaming & Inclusion
 - Continuum of Services, Including 24-Hour
- IEP (Individualized Education Program)
- Related Services
- Transition Services
- Assistive Technology & Supplementary Aids and Services
- FBAs/BIPs (Functional Behavioral Assessments and Behavioral Intervention Plans)
- Evaluation "in any area of suspected disability"
 - Psycho-educational
 - Clinical psychological
 - Speech/Language
 - Vocational
 - Neurological
 - Hearing & Vision
 - Etc.
 - Independent Evaluations
 - Initial, Triennial -- and More Often
 - Response to Intervention (RTI)
- Child Find
- Parent's and Child's Right to Participate
- Right to School Records
- Stay Put
- Right to a Due Process Administrative Hearing
 - Right to Counsel
 - Right to Confront
 - Right to Exclude Evidence
 - Right to Record
 - Burden of Proof on Moving Party
- Right to Appeal, Bring Civil Action (Federal or State Court)
- Discipline Protections

IDEA Definitions

The term "**special education**" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including--

- (A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
- (B) instruction in physical education. --20 U.S.C. §1401(29); see also, 34 C.F.R. §300.39.

The term "free appropriate public education" means special education and related services that--

- (A) have been provided at public expense, under public supervision and direction, and without charge;
- (B) meet the standards of the State educational agency;
- (C) include an appropriate preschool, elementary, or secondary school education in the State involved; and
- (D) are provided in conformity with the individualized education program required under section 1414(d) of this title.
 - --20 U.S.C. §1401(9); see also, 34 C.F.R. §300.17.

The term "**related services**" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designated to enable a child with disability to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

--20 U.S.C. §1401(26); see also, 34 C.F.R. §300.34.

The term "**transition services**" means a coordinated set of activities for a child with a disability that is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities is based on the individual child's needs taking into account the child's strengths, preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

--20 U.S.C. §1401(34); see also, 34 C.F.R. §300.43.

The Burlington Remedy and Transition Services

- REALITY: Most children who are not succeeding in school and who are starting to get into serious trouble find a culturally-competent mentor somewhere. Often, unfortunately, those mentors are teaching the kids to be competent in behaviors that are illegal.
- SUBSTITUTION: Finding culturally-competent adults who can teach legitimate job skills and instill positive values.
- Problem of lack of organic, community-based opportunities for integration into the "legitimate" economy
 - o Historical economic heterogeneity of racially-segregated neighborhoods vs. contemporary economic stratification of racially-segregated neighborhoods
 - o Globalization of various industries and decline of unionization
- Application of Burlington remedy: Substitution of natural supports for illicit opportunities
 - o Job coaching plus individualized instruction
 - o Paying employers to train children with disabilities and *quid pro quo* of hiring the children
 - o Generating economic capacity in low-income neighborhoods (rather than shifting resources to professionals from other socio-economic strata and geographic areas)
 - o Promoting micro-enterprise and self-employment by some children
- Rationale of Burlington ("appropriate relief") vs. 34 C.F.R. §300.148(c) and Forest Grove
- Compare to reimbursement for non-public school tuition and for private related services
- Get school districts (LEAs) to administer this approach

Functional Behavioral Assessments (FBAs) and Behavior Intervention Plans (BIPs)

OSEP Letter to Christiansen - the letter cites to several different OSEP publications which have defined the purpose of an FBA as "a teaching methodology, which requires ongoing data collection to determine the effectiveness and efficiency of the behavior support plan" and "a process of understanding behavior in the context in which it is observed and of guiding the development of positive behavioral interventions that are relevant, effective, and efficient."

An Overview of the Duties and Responsibilities of Cook County's Special Education Unit

Donna M. Neal - Deputy Chief Probation Officer

- Case is referred from either field probation officer (case manager), public defender or state's attorney, or judge
- Probation officer interviews the parent/guardian and youth to determine the issue
- We explain that this process is parent driven and inform the parent of the long hard road ahead of them
- We collect consent forms from parent/guardian and youth to obtain all school records and mental health records
- We also will write a letter for the parent and youth to the school requesting a case study eval, re-eval or review of IEP meeting
- We ask that the parent tender the letter to the school administration and write down on their copy who received the letter or we fax the letter to the appropriate school admin
- For documentation purposes, my officers then call the school to schedule a meeting to pick up records which is a good time to speak with case manager if youth received special ed services
- Once we receive all records, the probation officer reviews the documents and creates a timeline of events, and they note significant issues
- The officers then share their findings with the parent/guardian and explain the options of the parents, as well as provide the parents with information about their rights
- We attend the school meetings with the parents (all school meetings MDR, expulsion hearings, CSE)
- We take notes at the meetings
- We assist the families make their requests about increasing services or alter services
- We question all who are at the table (we train our officers how to read psychological assessments and ask questions that benefit the youth)
 We do a lot of prep work with the families to empower them to speak at the table
- If the school refuses to offer the appropriate services, we will assist the families to write a letter of dissent and sometimes ask for independent evaluations
- Then we connect them with a network of attorneys that we have partnered with for our families
- Our officers also help youth who have been incarcerated with reentry into schools...the
 process we use with special education is similar to how we engage those returning to
 school

I hope that this information is helpful.

The Americans with Disabilities Act

The ADA is a comprehensive anti-discrimination law protecting people with disabilities. A principal purpose behind the act is to reduce over-institutionalization of people with disabilities. Title II of the ADA makes the act applicable to all state and local governments, including all sub-divisions. Thus, the ADA proscribes discrimination by, for example, all police departments, probation departments, prosecutors, school boards, and courts. Substantive actions taken or decisions made by judges are likely governed by the ADA's anti-discrimination mandates.

- "[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132.
- ADA regulations prohibit the use of "criteria or methods of administration" that have the effect of excluding or otherwise discriminating. 28 C.F.R. § 35.130(b)(3).
- The regulations require the administration of "services, programs, and activities in the most integrated setting appropriate to the needs of the qualified individuals with disabilities." *Id.* at § 35.130(d).
- Public entities are required to evaluate and modify services, policies, and practices that do not or may not meet the non-discrimination mandates of the ADA. *Id.* at § 35.130(a).
- As to communications, the regulations require that a public entity accommodate persons with disabilities in order to ensure communications that are essentially equally effective with communications with non-disabled participants, applicants, and members of the public. *Id.* at § 35.160(a). The accommodations might necessarily include providing auxiliary aids and services. *Id.* at § 35.160(b)(1).
- In *Olmstead v. L.C.*, 119 S.Ct. 2176 (1999), the Supreme Court addressed the question whether unwarranted institutionalization of people with mental disabilities violates Title II of the ADA. A majority of the justices answered with a "qualified 'yes'". *Id.* at 2180-81.
- The ADA does apply to prisons and to access by people with disabilities to programs, services, and benefits that allow for a person to shorten incarceration time. *Pennsylvania Department of Corrections v. Yeskey*, 118 S.Ct. 1952 (1998).
- In *Tennessee v. Lane*, 124 S.Ct. 1978 (2004), the Supreme Court held that, through Title II of the A.D.A., prohibiting discrimination against persons with disabilities in regard to the fundamental right of access to courts was a proper exercise of Congressional legislative authority.
- But see, Alexander v. Choate, 469 U.S. 287 (1985)(disparate impact of limitation of hospitalization coverage under Medicaid by state not discriminatory under the A.D.A.).

GOVERNMENT OF THE DISTRICT OF COLUMBIA OFFICE OF THE ATTORNEY GENERAL

* * *

Public Safety Division Juvenile Section

March 28, 2014

To the Parent/Guardian of:

This letter is to inform you that your child's school told the Office of the Attorney General (OAG) that _____ has had at least 10 days of unexcused absences this school year. The District of Columbia Compulsory School Attendance Law (CSAL) requires children from the age of five (5) to eighteen (18) to be enrolled in school and to attend regularly. Parents and guardians have the responsibility to make sure that their children go to school regularly. Too many absences hinder a student's progress in school. Truancy also interferes with the school's ability to provide for the student's educational needs.

OAG is the agency charged with prosecuting matters, including truancy, affecting the safety and well being of the District's residents. As such, we are concerned that you may not be assuring your child is attending school as required by law. Your child's school will make a formal referral to our Office if your child reaches 15 days of unexcused absences. Should your child continue to be truant, OAG prosecutors are authorized to bring a truancy case against your child and a criminal case against you for failure to comply with the CSAL. If you are convicted, your sentence could include a fine and/or jail time. This office and the courts take these matters very seriously.

Please contact the school immediately to address this matter and be sure your child is no longer truant. We are hopeful that working with the school to improve your child's attendance will prevent the need for further action by this Office. Thank you for your prompt action to cure this problem.

Sincerely,

IRVIN B. NATHAN Attorney General for the District of Columbia



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

WASHINGTON, DC 20001-2131

Date:	
School: Address:	
Dear School Official:	
Pursuant to D.C. Code §16-2305 (2007 rev.), your attention is being drawn to the truancy referral involving Pupil ID #: dated, and received by the D.C. Superior Court/Family Courtivision of Court Social Services (CSS), (See Attachment). The referral was carefully reviewed by Supervisory Probation Officer Vonda A Frayer in accordance with D.C. Court Rules (Annotated) 102 and 103 (See Attachment).	ırt nis
Following a preliminary review of the referral, CSS will not recommend to case for petitioning. The referral is hereby returned to your attention bas upon one or more of the following factors:	
Although the attendance record is attached, there are no record(s) effort(s) made on the part of the school referring the case to interve and/or abate the truancy reported;	
Proof of residency is not clear since most recent records indicate youth may reside outside the District of Columbia with his parent; D. C. Co supervision attempted in unrelated delinquency matter but was reject due to residency discrepancy;	urt
No documentation that official notice necessary to convene parent/teacher/youth conference was sent to the home of the youth;	a
No documentation that home visit(s) and Student Support Team meet involving the parent/teacher/youth was conducted by the school resou officer and/or a referral made to link the youth and family with community-based service;	rce
No evidence of linking the student or the family with community resources	

No attendance records were attached
Student was picked up by a Truant Officer of the Metropolitan Police Department (MPD) and referred to Penn Attendance Center; however, there is no evidence supporting a follow-up plan to address and/or abate the truant behavior of the youth;
Student is 18 years or older as of
Other:
Student has an active case with Probation Officer: Number:
In accordance with D.C. Code § 16-2305 (2001 ed.), you have the right to have CSS' determination not to recommend petitioning reviewed by the Office of the Attorney General (OAG). Therefore, a copy of this letter and all attachments,

Attn: Rachele G. Reid,
Assistant Attorney General
Office of the Attorney General, Public Safety Division
441 4th Street, NW, Suite 450-North,
Washington, DC 20001
202.727.3500

has been sent to the OAG:

Please be advised that the referring school, is required to address the following areas highlighted above. Therefore within three (3) business days of determination and official notice from the OAG (sent to your attention by OAG) and, in accordance with DC Law 8-247, CSS will contact a designee from the referring school to inquire as to when the above-detailed resources will be facilitated to the youth by the host school (See Attachment).

Should OAG advise CSS of its intent to petition the referral, CSS will prepare the referral for presentment in the Truancy Referrals courtroom and commence supervision throughout the adjudication phase to augment services provided by the host school, healthcare provider and/or community-based entity (See Attachment).

Please contact me should you require additional information and/or discussion.

Respectfully, Vonda Frayer, Supervisory Probation Officer, 202-879-1168. District of Columbia Official Code Abbreviated Title §16-2305

D.C. Code § 16-2305 (a)(1) provides as follows:

Complaints alleging delinquency, need of supervision... "shall be referred to the Director of [Court] Social Services who shall conduct a preliminary inquiry to determine whether the best interest of the child or the public require that a petition be filed." If judicial action appears warranted... the Director shall recommend that a petition be filed." If the Director decides not to recommend the filing of a petition, the complainant...shall have the right to have that decision reviewed by the Corporation Counsel" [Office of the Attorney General - OAG), and the Director shall notify the complainant of such right of review.

District of Columbia Official Code Abbreviated Title §11-1722

Title §11-1722 (b) provides as follows:

To the maximum extent feasible," the Director of [Court] Social Services "shall coordinate with and utilize the services of appropriate public and private agencies within the District of Columbia..."

District of Columbia Rules, Abbreviated Annotated Rules 102 and 103

D.C. Court Annotated Rule 102 (a) provides as follows:

"The Director of [Court] Social Services shall make a preliminary determination as to whether the facts presented in the complaint warrant further action within the Division" (now Family Court). (b) "Each preliminary investigation shall consider all available factors to determine whether the interests of the public or the respondent require that a petition be filed."

D.C. Court Annotated Rule 103 (b) provides as follows:

"In determining whether the best interest of the respondent or the public require that a petition be filed, the intake unit shall consider the following... (1) In habitual truancy cases, the mental and physical condition of the respondent, the number of alleged absences from the school, the circumstances surrounding such absences, the efforts of the school or other community resources to remedy the situation, and whether or not judicial actions appears appropriate and reasonably likely to remedy the situation."

District of Columbia Law 8-247, Abbreviated

D.C. Law 8-247, the Compulsory School Attendance Law provides as follows:

"All youth between the ages of five (5) and eighteen (18) are required to attend school."

District of Columbia Truancy Task Force Protocols, Abbreviated

D.C. Truancy Task Force Protocols, provides as follows:

"Truancy and excessive absences must be abated by documented school interventions."



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA COURT SOCIAL SERVICES DIVISION WASHINGTON, DC 20001-2131

Terri Odom, Director Tel: 202.508.1800

Data
Date:
School: Address:
Dear School Official:
Pursuant to D.C. Code §16-2305 (2001 Ed.), your attention is being drawn to the habitual truancy referral involvingDOB:, Pupil ID# dated: and received by the D.C. Superior Court/Family Court Division of Court Social Services (CSS) on
, (See Attachment). Following a preliminary review
of the referral by Probation Officer <u>Vonda A Frayer</u> and, in accordance with criteria set forth in the D.C. Court Rule (Annotated) 102 and 103, CSS will forward the referral to the Office of the Attorney General (OAG) and recommend petitioning (See Attachment).
This correspondence serves to advise you that our investigation of facts surrounding the habitual truancy referral, warrants petitioning. Additionally, CSS requests that one or more of the following steps are implemented by the individual designated by the referring party during the adjudication phase of the matter:
A copy of this letter and all attachments has been sent to the Office of the Attorney General for petitioning review and determination:
Attn: Rachele G. Gaines, Assistant Attorney General Office of the Attorney General, Public Safety Division 441 4 th Street NW, Suite 450-North Washington, DC 20001 202.727.3500
Please contact me should you require additional information and/or discussion. Respectfully, Vonda A. Frayer, SPO, (202)8791168

District of Columbia Official Code Abbreviated Title §16-2305

D.C. Code § 16-2305 (a) provides as follows:

"Complaints alleging delinquency or need of supervision... shall be referred to the Director of [Court] Social Services who shall conduct a preliminary inquiry to determine whether the best interest of the child or the public require that a petition be filed." If judicial action appears warranted..., the Director shall recommend that a petition be filed." (b) Each petition shall be prepared by the Corporation Counsel" (now the Office of the Attorney General OAG, "after an inquiry into the facts and a determination of the legal basis for the petition."

District of Columbia Official Code Abbreviated Title §11-1722

Title §11-1722 (b) provides as follows:

To the maximum extent feasible," the Director of [Court] Social Services "shall coordinate with and utilize the services of appropriate public and private agencies within the District of Columbia..."

District of Columbia Court Rules, Abbreviated Annotated Rules

D.C. Court Annotated Rule 102 (a) provides as follows:

"The Director of [Court] Social Services shall make a preliminary determination as to whether the facts presented in the complaint warrant further action within the Division" (now Family Court). (b) Each preliminary investigation shall consider all available factors to determine whether the interests of the public or the respondent require that a petition be filed."

D.C. Court Annotated Rule 103 (b) provides as follows:

"In determining whether the best interest of the respondent or the public require that a petition be filed, the intake unit shall consider the following... (1) In habitual truancy cases, the mental and physical condition of the respondent, the number of alleged absences from the school, the circumstances surrounding such absences, the efforts of the school or other community resources to remedy the situation, and whether or not judicial actions appears appropriate and reasonably likely to remedy the situation."

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District of Columbia Truancy Task Force Protocols, Abbreviated

D.C. Truancy Task Force Protocols, provides as follows:

"Truancy and excessive absences must be abated by documented local school interventions.



To: School Representative

From: Supervisory Probation Officer: Vonda A. Frayer

RE: Referral: Habitual Truancy: __ Habitual Runaway: __

Date:

Student:	DOB	School	W/R	Result
JSF#:				
Signed by School	Representative	 I	Date Received	
1.770				



Section 1: School/Student Information

(please place the following items in order behind this sheet)

District of Columbia Superior Court Truancy Referral Form
Student Enrollment Form
DC Residency Verification Form
Current Course Schedule with Teacher Names
Progress Report/Report Card



Section 2: Attendance

(please place the following items in order behind this sheet)

Daily attendance reinclude period attenda	cord for current school year (certified true copy); ance if applicable
Attendance interve	ntion plan
Referral Form (include	all attendance interventions checked on Truancy date(s), person(s) conducting the intervention, e, and detailed notes regarding the
Referral to in	



Section 3: Additional Items

(please place the following items in order behind this sheet)

SAT 9, DC-BAS, DC-CAS and/or other relevant test data (if available)
504 Plan/Bi-lingual Education Plan (if applicable)
Individualized Education Plan (if student is enrolled in special education
TANF/DHS Form (if applicable)
DC Housing Authority Verification Enrollment Form (if applicable)



District of Columbia Superior Court Truancy Referral Checklist

Directions: Please check the following items for inclusion in the Truancy Referral and attach this shee
Truancy Referral Form.
School/Student Information
District of Columbia Juperior Court Truancy Referral Form
Student Enrollment form
DC Residency Verification Form
Current Course Schedule with Teacher Names
Progress Report/Report Card
Attendance
/
Daily attendance record for current school year (certified true copy); include period
attendance if applicable
Attendance intervention plan
Documentation of all attendance interventions checked on Truancy Referral Form (include
date(s), person(s) conducting the intervention, person(s) in attendance, and detailed notes
regarding the intervention/follow-up)
[-]letter
Certified letter
☑ In-person conference
Student Support Team or Attendance Committee meeting
Referral to in-school resource
Referral to community-based organization
Home visit
y
<u>cditional items</u>
Tile, NC BAS, DC-CAS and/or other relevant test data of available)
: 4 Plant delinguil Iducation Pian (if applicable)
in in hurized Education Plan (if student is enrolled in special education)
TANF/DHS Form (if applicable)
OC Housing Authorit Verification Enrollment Form (if applicable)

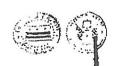


Section 1: School/Student Information

(please the following items in order behind this sheet)

District of Columbia Superior Court Truancy Referral Form
Student Enrollment Form
DC Residency Verification Form
Current Course Schedule with Teacher Names
Progress Report/Report Card

1



District of Columbia Superior Court Truancy Referral Form

	Date: <u>11/20</u>
	Schot Name: <u>Ballou SHS</u>
2.	School Address: 3401 4 th Street, SE, Washington, DC 20032
,	Atter lance Counselor Name: Alfreda Harris
Э.	Atter fance Counselor Phone: _202-645-3400
	Atternation of the state of the
Stu	udent information
4.	Student Name: Grade: _10_ Date of Birth:
=	Is the student a special education student? Yes No (if yes, attach IEP)
٥,	is the student a special education student. The Solito (ii yes, attach ier)
6.	Is there a social worker or case manager assigned to this student? (i.e. CFSA, school social worker,
	neighborhood collaborative, DMH or other agency) Yes No Unknown
	a. Name Agency: Phone:
-	Does the student have a probation officer? Yes No Unknown
7.	Does the student have a probation officer? Yes No Unknown
8.	Student has been truant from school for 24 days between 8/27/2013 and 11/20/2013. Student has
	been absent an additional 2 days excused and _days due to suspensions. Note: Student must have
	missed a minimum of 15 days without a valid excuse to be considered for petitioning.
9.	
	Certified letter Referral to the community organization
	⊠In-person conference ☐Home visit
	Attendance intervention plan Referral to CFSA
	for <u>all</u> interventions checked, please attach documentation. Where not checked, please explain:
٠	Special History finchale any information about the student's personal history, family composition,
	ind other important information not captured elsewhere in this referral):
	is the oldest of children living with their mother. Her parents
	port that signad a silety concern earlier this year with another student.
	hat even the the incident was mediated, they will still tack a safety transfer. According to the request, cas it is reserved to it is each tas thought is accustomed to
	the lightest puring a call to inquire about her absence, her mother stated that said
	that she did not feel like going to school that day.

	as stated in her attendance presponded. A review of the Connect- Ed I home.					
11.		List school, y				
Family.	Information					
ļ.	×					
12.	Mother/Legal Guardian Nam	e: [)SSN:		
ļ	Address:	(nt at				<u></u>
i						
	Work Address:			Work Ph	one:	
13.	Address:					
	Phone: Da	te of Birth:		Lives with s	tudent:	N
	Employer:			Occupation:		
	Work Address:			Work Ph	oné:	
14.	Name:Address:		R	elationship to student Phone: Occupation:		
ß	Work Address:			Work Ph	one:	
Į .		Date of Birth: Lives with student: Y Occupation: Work Phone: an Name: SSN: Date of Birth: Lives with student: N Occupation: Work Phone: ther/father/legal guardian, living with: Relationship to student: Phone: Occupation: Work Phone: Occupation: Work Phone: Occupation: Work Phone: Occupation: Work Phone: Occupation: Work Phone: DOB School Grade School ID April 1				
15.	Siblings:					
	Name		School			School ID
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tenda	nce Counselor Signature	·	-11	<u> </u>	14.3 —	1. 10 1.
Prhicipa	il Marne: <u>"man ("corg)</u>	= 5 gn	ature .			
Please i	mail completed packets to:					¥
Aachele Differon Uvenile 141 4 th	es against parent: ages 5-12) a G. Reid f the Attorney General Fery Division section Street NW, Suite 450-North	Al.		viark Jackson i pervisory Probation tus Orfender Unit District of Columbia C 510 4th Street, Northw	Officer Court Scourt ourt yest Rm :	ocial Services
V 0 21 (11)	gton, DC 20001			**************************************	•	



Section 2: Attendance

(please the following items in order behind this sheet)

Daily attendance record for current school year (certified true copy); include period attendance if applicable
Attendance intervention plan
Documentation of all attendance interventions checked on Trancy Referral Form (include date(s), person(s) conducting the intervention, person(s) in attendance, and detailed notes regarding the intervention/follow-up)
Phone call Letter Certified letter In-person conference Ludent Support Team or Attendance Committee meeting Referral to in-school resource Referral to community-based organization Home visit



Section 3: Additional Items

(please the following items in order behind this sheet)

SAT 9, DC-BAS, DC-CAS and/or other relevant test data (if available)
504 Plan/Bi-lingual Education Plan (if applicable)
Individualized Education Plan (if student is enrolled in special education)
TANF/DHS Form (if applicable)
DC Housing Authority Verification Enrollment Form (if applicable)

Updated July 2013

SY 13-14 DCPS Truancy Protocol

Unexcused Absences

Connect-Ed calls to absent students occurs daily ONLY when absence is recorded the same day as absence



Teacher

Attendance/Student Support Team Attendance Counselor

About Truancy and the Court: What You Need to Know OSSE's Implementation



by Kortne Edogun

Interim Director of Policy, Elementary and Secondary Education

7

Quick Recap

The Truancy laws tasked OSSE with:

- Creating a truancy guide (The South Capitol Memorial Amendment Act of 2012)
- Disseminating the truancy guide to parents upon receiving notification from LEAs of a student's 10th unexcused absence (The Attendance Accountability Amendment Act of 2013)
- Publishing a report that includes:
- Truancy rates for each educational institution;
- Progress in improving attendance and reducing truancy for each educational institution; and
- Each educational institution's compliance with key attendance and truancy requirements.

(The Compulsory Attendance Rulemaking)

Truancy Prevention Guide

The Truancy Prevention Guide provides:

- regulations related to absenteeism and truancy. An explanation of the District's laws and
- Information on what a parent or legal guardian can do to prevent truancy.
- The common causes and consequences of truancy.
- common causes of truancy and its prevention. legal guardians, and students that address the referral services available to District parents, Contact information for intervention and

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LEA Truancy Reporting: Truancy Notification Form

accumulated 10 or more unexcused absences LEAs notify OSSE of students who have

- http://osse.dc.gov/publication/truancy-1. Accessing the truancy form at notification-form
- 2. Completing one form per school.
- osse.truancyprevention@dc.gov 3. Submitting the excel form to

5

Truancy Notification Form

m	35								>	54	7						
	so								Primary	(anthoris							
									Parent Email	Address							
									Zip Code								
		n@dc.gav.				Office			Mailing Address								
	TRUANCY NOTIFICATION FORM	to assetruancyprevention	General Information	Darke	Email Address	Phone Number of Attendance Office		Student Information	Parent Last Name							or, Washington, DC 20002	
	TRUANCY NO	Please return all completed forms to asse.truancyprevention@dc.gov.	Genen					Stud	Parent First Name							810 First Street, NE, 8th floor, Washington, DC 20002	
		Please r							Grade								
									Student Name								
	OSSE			School	Point of Contact	Attendance Counselor	12		Student Last Name								

Friday, March 28, 2014

Parent Notification Mailing



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The 1985 of the State Superiorsaters of Education (1988) was notified by a School Barnes that show, Narios shoe, Narios shoe, Narios shoe, Narios shoe, Narios shoe, not should be seen that a student about the local late, a student is considered chronically trudet after his unindused absences.

wheel descript, person, guidents and ommunity members. As a halves up to the notification draft was maded to you from eicheol "Names and the Metropochias Polosi Department (MPD), DSDZ would like to help DSS belease that presenting manufactions shared regionalities becases the space administration approximation by proxiding a housing Previously Gooks that contains or filled information about amoustance and housely.

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- An equiposition of the Digital's base and regulations related to observeriors and inspect
- reformation on what a perent or kigal guardian can do to provide troance. The correspondance and consequences of trustee.
- Contact information for inverseration and referral services assistely to District parents, legal pusediens, and anderes that abbies the common cause of prusecy and its provinition.

«Stood, Name». For none information control Provincy Prevention Guite or attendance rolload Unit, please Hara have specific questions above your child's agentance, please morget their direndonce Counselor an

Sections,

Truancy Prevention Guide Attendance Matters A Resource Quide for Perents and Legal Guardians OSSE

Challenges

experienced some implementation challenges As with many new initiatives, OSSE has associated with:

- Capacity
- LEA Reporting
- Outreach

Engagement and Technical Assistance Opportunities

- prevention professional development and In May 2013, OSSE began the truancy workshop series.
- osse.truancyprevention@dc.gov to answer attendance and truancy related questions. OSSE created the email address
- Expansion of Truancy Guides
- Developing: LEA Truancy Prevention Guide

The Truancy Prevention Guide provides:

- An explanation of the District's laws and regulations related to absenteeism and truancy.
- Information on what a parent or legal guardian can do to prevent truancy.
- The common causes and consequences of truancy.
- Contact information for intervention and referral services available to District parents, legal guardians, and students that address the common causes of truancy and its prevention.

Quick Reca

Parent Resource Guide

The Truancy Prevention

To access the truancy prevention guide, go to osse.dc.gov/publication/truancy-guide (The guide is available online in Spanish and Arnhanc, French, Simplified Chinese, Vietnamore, and Korean are available by request.)

For answers to truancy and attendance related questions, email osse.truancyprevention@dc.gov

Contact Information

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Elementary and Secondary Education

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Contact Phone: (202) 741-0475