

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

Audience Q&A

Important Note: We received the following audience questions at the March 28th court training on the new truancy law. Below are responses from select representatives who presented at the training. The below guidance provided may not be the last statement on how to implement the Attendance Accountability Amendment Act. District agencies are only in the beginning stages of implementation. Please visit the Office of the State Superintendent of Education's website in the coming months to stay updated with new guidance and technical assistance opportunities, <http://osse.dc.gov/>

1. How are schools held accountable when the timeframe for interventions are not followed according to the guidelines?

Pursuant to 5 DCMR § A2101.7, the Office of the State Superintendent of Education (OSSE) will publish a report before the beginning of each school year that will inform students, parents, and stakeholders about:

- a. The truancy rate for each educational institution for that school year;
- b. The progress of each educational institution in improving attendance and reducing truancy from the prior school year; and
- c. The level of compliance by each educational institution with compulsory attendance laws and regulations. OSSE expects to issue the first such report prior to the 2014-2015 school-year.

2. What are the obligations of the school to make efforts before referring to CSS or CFSA?

Pursuant to 5 DCMR § A2103.5, the only prerequisite to referring a student to Child and Family Services Agency (CFSA) or to Court Social Services (CSS)/Office of the Attorney General Juvenile Division (OAG) is the accrual of the established number of unexcused absences by a student of a particular age. For a referral to CFSA, the referral prerequisite is the accrual of 10 unexcused absences within a school year by a student age 5-13. For a referral to CSS/OAG, the referral prerequisite is the accrual of 15 unexcused absences within a school year by a student age 14-17.

However, District regulations mandate interventions beginning with the first day that a student is absent without excuse. The following interventions should have occurred chronologically prior to the referral to CFSA or to CSS/OAG. Pursuant to 5 DCMR § A2103.2(3), the educational institution should have already referred the student to the school-based student support team for the purpose of identifying the underlying causes of truancy and developing an action plan. This referral should have occurred within two (2) school days after the student accrued five (5) unexcused absences. Additionally, the school-based student support team should have notified the school administrator within two (2) school days after the accrual of the 10th unexcused absence with a plan for immediate intervention.

Additionally, pursuant to D.C. Code § 38-251.01, educational institutions must notify OSSE and MPD within two (2) business days after the student has accrued 10 unexcused absences. OSSE will then send the parent a truancy resource guide.

3. Please explain why high school students in DC cannot remain in school if they do not arrive by 9:30 am?

District regulations governing compulsory school attendance and truancy do not address the intervention strategies that educational institutions must employ to address tardiness, as opposed to truancy. If a student's lateness to school does not arise to the level of a 'partial absence from the school day' as defined by 5 DCMR § A2199.1, then student is not considered to be 'truant' under the law, merely 'tardy'.

The first question to be answered, then, is whether or not arrival at a particular educational institution at 9:30 a.m. would constitute tardiness or absence for a partial day. If this late arrival would merely constitute tardiness, then District regulations contain no provisions mandating the educational institution's interventions. However, if the late arrival would constitute a partial absence, then 5 DCMR § A2103.2(c)(2) is applicable and mandates that the continuum of school practices for addressing absenteeism and truancy "shall not include off-site suspension and/or expulsion as intervention strategies." As a result, it would not be appropriate to remove the student from the educational environment as a remedy for being absent from morning classes.

Rather, the student's presence or absence at each individual class segment should be recorded contemporaneously throughout the day. Then, the attendance monitor, who is responsible for attendance records, should calculate the percent of school that the student actually attended and use that information to deem the student as either present or absent for that school day. At that point, the same interventions that the educational institution employs for full-day absences should be employed for the partial-day absence. In fact, the only intervention that is mandated upon the accrual of one unexcused absence is for the educational institution to contact the parent and determine the reason for the absence, or in this case the reason for the partial absence, pursuant to 5 DCMR § A2103.2(c)(1).

4. Where is the definition of excused or unexcused absence codified, if at all? Are those terms defined by schools somewhere?

An unexcused absence is defined in 5 DCMR § A2102.1 as "any absence, including an absence from any portion of the instructional day, without a valid excuse." The categories of valid excuses are found in 5 DCMR § A2102.2, and include:

- a. Illness or bona fide medical cause experienced by the student;
- b. Exclusion, by direction of the authorities of the District of Columbia, due to quarantine, contagious disease, infection, infestation, or other condition requiring separation from other students for medical or health reasons;
- c. Death in the student's family;
- d. Necessity for a student to attend judiciary or administrative proceedings as a party to the action or under subpoena;
- e. Observance of a religious holiday;
- f. Lawful suspension or exclusion from school by school authorities;
- g. Temporary closing of facilities or suspension of classes due to severe weather, official activities, holidays, malfunctioning equipment, unsafe or unsanitary conditions, or other condition(s) or emergency requiring a school closing or suspension of classes;
- h. Failure of the District of Columbia to provide transportation in cases where the District of Columbia has a legal responsibility for the transportation of the student;
- i. Medical or dental appointments for the student;
- j. Absences to allow students to visit their parent or a legal guardian, who is in the military; immediately before, during, or after deployment; and
- k. An emergency or other circumstances approved by an educational institution.

As a result of the authority granted to each educational institution under subsection (k) above to identify “other circumstances” in which a student may be lawfully absent from school, the actual list of reasons for excused absences may vary slightly from institution to institution.

5. Can you comment on DCPS’s duty to report suspected educational neglect where the absences result from parental refusal to send a child to school because the parents believe that the school placement in a special education situation is harmful to the child?

Special education students are not treated differently from general education students with regards to truancy. Any exceptions for reporting are outlined in Chapter 21 of the DC Municipal Regulations (DCMR) and if cases do not meet the exception criteria, truancy must be reported. If a parent is not in agreement with DCPS on the location of services (school) or placement (education setting), they have the right to file a due process complaint. However, parents cannot keep their child from attending school in the interim. If the student is not attending school without a valid excuse per the DCMR, DCPS is obligated to report suspected educational neglect.

6. Truancy is a huge crisis in DC. There are cases where children have 70 or more absences within a school year. Why is there such a delay in referrals from schools? What does an intervention plan consist of?

Due to legislative changes made for SY13-14, there were changes to Chapter 21 of the DC Municipal Regulations (DCMR). In response, DCPS has instituted the required mandated interventions and some additional interventions to support the process as follows:

Mandatory Interventions

- 5 days of unexcused Absences – Student Support Team (SST) referral within 2 business days.
 - Each school has an SST Coordinator.
 - SST meets weekly at a set time during the instructional day. However, additional meetings are scheduled as needed.
 - SST meetings must include a content specialist. For example, academic meetings must include a teacher or instructional coach; attendance meetings must include the attendance counselor and social worker.
 - Parents of students under the age of 18 years must participate in SST meetings. Parent may conference in by phone.
 - Schools must use the new SST Attendance Plan.
- 10 days of unexcused absences – Metropolitan Police Department (MPD) and DCPS letter. DCPS has opted to send these letters on the 7th day of unexcused absence.
- 10 days of unexcused absences – Referral of students age 5-13 to Child and Family Services Agency (CFSA).
- 10 days of unexcused absences – Within 2 business days of the 10th unexcused absence, DCPS must notify the Office of the State Superintendent of Education (OSSE) which must provide the parent with the truancy prevention resource guide.
- 15 days of unexcused absences – Referral of students age 14-17 to Court Social Services (CSS) Division.

Additional Supports

- Day 1 and Day 2 of any absence – Phone call home by teacher for Day 1 and Day 2 absence, regardless of whether the absence is excused or unexcused.
- Every absence – Connect Ed/Robo call to absent students, regardless of the reason for the absence.
- 3 days of unexcused absences – Robo call by Chancellor’s designee, Director of Student Attendance.
- 3 days of unexcused absences – Letter sent home for elementary, education campus, and middle school students who have accrued 3 days of unexcused absences.
- 10 days of unexcused absences – Students ages 14 and up are referred back to the SST.

It is the goal of the DC Public School system to provide timely attendance interventions to students. This school year (SY13 – 14) DCPS is focusing on compliance (with conducting SST meetings), exploring a more comprehensive case management system, investigating ways to manage the volume of SST's, and providing training to staff to address the myriad of challenging issues associated with truancy. While compliance is a priority for DCPS, the reality is that staff conducting this work (SST members) has a range of other duties within the schools that make it difficult for them to dedicate their full attention to attendance work. In some of our high truancy secondary schools, staff members could literally be expected to hold hundreds of SST meetings in order to fully comply.

To that end, we are exploring options to increase our compliance and fidelity of implementation. In SY13 – 14, case management support is being provided to two schools through the PASS Program. Central Office Attendance Specialists will continue to support and monitor SST formation, implementation and meetings based on the needs of students. In preparation for SY14 – 15, School Principals and Instructional Superintendents have been requested to review current staffing models and reallocate current staff to ensure that there are adequate and qualified people to serve as attendance counselors, attendance designees and SST workers. Additionally, school staff have been trained in best practices surrounding the use of outside resources (i.e. PASS, JGA and MPD) to obtain assistance with their attendance work (home visits, calls to parents and holding meetings).

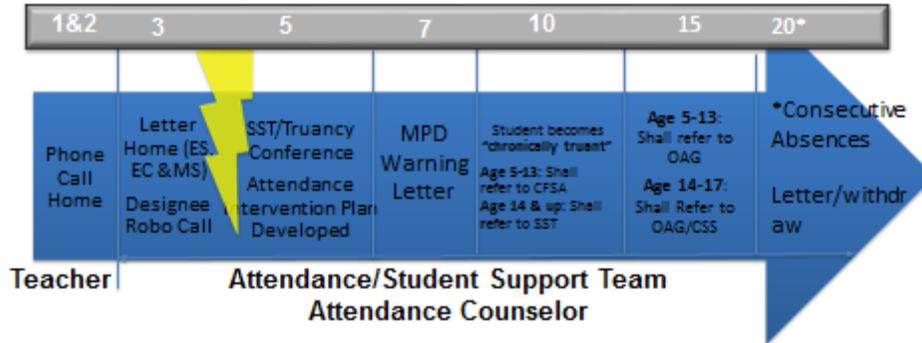
Moving forward, the Student Attendance team will continue to work closely with school-based attendance designees and counselors to: (1) train staff on STARS attendance entry; (2) conduct SST/day 5 parent conferences; (3) develop and monitor implementation of attendance plans; and (4) review, disseminate and monitor weekly data reports.

The Attendance Intervention plan is designed to improve student attendance. School staff is to communicate regularly with student/parents regarding absences and if the student accrues 5 unexcused absences, then a SST is held to identify barriers to attendance and provide intervention services. The following chart explains the required action steps for staff, students, and parents based on the total number of cumulative absences.

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



7. In the event that parent/child is not able to attend the school based support team, what is the family’s alternative to addressing the needs of the family?

DCPS continues to make every effort to make these meetings easily accessible for parents. In doing so, we have asked staff to think “out of the box” and be creative in their attempts to reach and meet with parents. Some of the ways that this is being done are: conducting SST meetings by phone or during home visits; meeting with parents at after-school programs or other sites to hold SST meetings; preparing staff–created plans when parents do not avail themselves to the process or cannot be located after due diligence; and utilizing assigned staff from JGA and PASS to conduct these meetings.

8. Please provide examples of the services that a school can offer to address truancy in advance of a referral. Who bears the responsibility for implementation and which entity bears the financial responsibility for services?

For students who accrue 5 days of unexcused absences, schools are required to hold SST meetings to identify barriers to attendance and put support systems in place for the student and family in an effort to address the barriers and abate truancy. Examples of the services that a school can offer to address truancy in advance of a referral are as follows:

Resources Available to You

Name of Agency	Contact Information	Services Provided
DC Public Schools New Heights Teen Parent Program	Andrea De-Santis 1200 First Street, NE Washington, DC 20002 202-442-3040	<ul style="list-style-type: none"> Day Care Assistance Workshops Counseling
ACCESS Helpline	1 (888) 793-4337	<ul style="list-style-type: none"> Provides mental health services
Answers Please	(202)-463-6211	<ul style="list-style-type: none"> Clearing House of resources in the District
The OYE Homeless Children and Youth Program	Nicole Lee-Mwandha 1200 First Street, NE Washington DC 20002 202-576-9302	<ul style="list-style-type: none"> Provides free transportation assistance for homeless students Training for parents Referral Services Uniform Assistance
Sasha Bruce Youthwork	741 8th Street, SE Washington, DC 20003 (202)-547-7777	<ul style="list-style-type: none"> Provide Shelter for runaway, homeless, and unaccompanied youth
Department of Health Addiction Prevention and Recovery Administration (APRA)	(202) 727-8837	<ul style="list-style-type: none"> Substance Abuse Treatment Recovery Support
Wendt Center for Grief and Loss	4201 Connecticut Ave. NW, Ste. 300 Washington, DC 20008 (202) 624-0010	<ul style="list-style-type: none"> Provides mental health counseling Mental health training and education Crisis response Case management services to ease the impact of illness, loss and traumatic events.

Financial responsibility varies depending upon the referral source; however, DCPS makes every effort that cost is not an impediment to receiving services.

9. Will DC receive truancy referrals for truant wards in Maryland in which DCPS is an LEA?

DCPS does not serve as the LEA for wards placed in Maryland in all circumstances. DCPS is only the LEA in situations where students are enrolled in DC Public Schools (verified in the STARS system) and are attending a Non – Public school in Maryland. Our Non – Public Unit monitors the attendance of DCPS students placed in nonpublic schools and will make any truancy referrals for these students, if necessary.

10. Please explain why high school students in DC cannot remain in school if they do not arrive by 9:30 am?

Students are allowed to enter the school building regardless of their time of arrival. We often find truant or suspended students choose to congregate outside of school buildings, which is not encouraged and the appropriate steps are taken to prevent this from happening.

11. What justifications are valid in PINS cases in order to prove non-attendance is justified?

In sum, valid justifications could include:

- 1) illness (doctor's note for >5 days);
- 2) death of immediate family member;
- 3) observation of religious holiday;
- 4) temporary school closing for weather, unsafe conditions, or emergency;
- 5) attend judicial proceeding as witness, plaintiff or defendant or juror;
- 6) medical reasons such as doctor's appointment (need note) (chronic health issues such as asthma, etc. must be documented through the school nurse); and
- 7) failure of DC to provide transportation when legally obligated to do so.

In addition, documentation from the school and / or police report confirming bullying or safety transfer issues may be considered at our level.

12. Are there any community based Diversion Programs to assist in these efforts, and if not, are there any discussion around funding? PASS. Yes.

13. For a charter school, what action should a school take if a student is accepted but the student does not attend? If the student's parent fails to submit enrollment documents, is the charter school required to follow-up with the family according to the attendance laws?

If the family does not submit enrollment documents to the school (by the school's enrollment deadline), the school will not add the student to their roster.

If the student does submit enrollment paperwork, but does not show up, the school may drop the student from the roster (classified as a "no show").