

AN ACT

Bill 20-72
Act 20-94
effective
June 24, 2013

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 the Attorney General to submit an annual truancy status report; to amend the State Education Office Establishment Act of 2000 to require that a truancy prevention resource guide be available by August 1, 2013; 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 amend the Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010, An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children , and 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 make technical and conforming amendments.

Codification
District of
Columbia
Official Code
2001 Edition

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”.

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:

Amend
§ 38-201

(1) Paragraph (1) is repealed.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 as paragraph (3B).

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

“(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.”.

(b) Article II is amended as follows:

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

Amend
§ 38-251
New Part A,
New Part B
§ 38-252

“(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 act and may be subject to prosecution.”.

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

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

New
§ 38-251.01,
New Part A

“(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 section 3(b)(19) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 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 section 2(a-1) of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 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 act.

“Sec. 8. Reporting requirements.

New
§ 38-251.02,
New Part A

“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 act, and the outcome of each;

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

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

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

Amend
§ 38-2602

TITLE II. SUSPENSION AND EXPULSION REPORT

Sec. 201. Within 180 calendar days of the effective date of this act, 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 the Expulsion of Students Who Bring Weapons Into Public Schools Act of 1996, effective April 9, 1997 (D.C. Law 11-174; D.C. Official Code § 38-231 *et seq.*).

New
§ 38-235,
New Part B

TITLE III. TECHNICAL AND CONFORMING AMENDMENTS

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

Note,
§ 4-1321.02

Sec. 302. Section 2(a-2)(3) of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(a-2)(3)), is amended to read as follows:

Amend
§ 4-1321.02

“(3) This subsection shall expire upon the effective date of the Attendance Accountability Amendment Act of 2013, passed on 2nd reading on June 4, 2013 (Enrolled version of Bill 20-72).”.

Sec. 303. Article II of 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(a) (D.C. Official Code § 38-202(a)) is amended by striking the phrase “a public, independent, private, or parochial school, or in private instruction” and inserting the phrase “an educational institution” in its place.

Amend
§ 38-202

(b) Section 2 (D.C. Official Code § 38-203) is amended as follows:

Amend
§ 38-203

(1) Subsection (a) is amended by striking the phrase “public, independent, private, or parochial school and by every teacher who gives instruction privately” and inserting the phrase “educational institution” in its place.

(2) Subsection (b) is amended as follows:

(A) Strike the phrase “head teacher,” and insert the phrase “head teacher, teacher who gives private instruction,” in its place.

(B) Strike the phrase “public, independent, private, or parochial school, and each teacher who gives private instruction” and insert the phrase “educational institution” in its place.

(c) Section 4 (D.C. Official Code § 38-205) is amended by striking the phrase "principal, or head teacher of each public, independent, private, or parochial school, and each teacher who gives private instruction," and inserting the phrase "principal, head teacher, or teacher who gives private instruction of each educational institution" in its place.

**Amend
§ 38-205**

TITLE IV. GENERAL PROVISIONS

Sec. 401. Fiscal impact statement.

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

Sec. 402. Effective date.

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