**MEMORANDUM**

**TO: The Honorable David Catania, Chairman**

**FROM: V. David Zvenyach, General Counsel**

**DATE: March 25, 2013**

**RE: Legal sufficiency determination for** **Bill 20-72, the Attendance Accountability Amendment Act of 2013** **(revised draft print received on 3/21/13).**

The measure is legally and technically sufficient for Council consideration.

Under the District’s Compulsory School Attendance laws,[[1]](#footnote-1) each District resident having custody or control of a minor is required to place the minor in regular attendance at an educational institution.[[2]](#footnote-2)

Bill 20-72 would add the following requirements to the existing law:

* If a minor accrues 10 unexcused absences in a school year, an educational institution must notify the Metropolitan Police Department (“MPD”) within 2 business days after the 10th unexcused absence.[[3]](#footnote-3)
* If a minor is 13 years of age or less and accrues 10 unexcused absences in a school year, an educational institution must also make a referral to the Child and Family Services Agency, in accordance with law that recently went into effect.[[4]](#footnote-4)
* Upon receiving notice from an educational institution, MPD must notify the minor’s custodian of the possibility of prosecution.
* Beginning in the 2013-2014 school year, if a minor 14 years of age or older accrues 15 unexcused absences in a school year, an educational institution shall make a referral to court social services and to the Attorney General,[[5]](#footnote-5) who must send a second notice to the custodian of the possibility of prosecution.
* The OAG would be required to submit an annual “truancy status report” to the Mayor and the Council.

Finally, Bill 20-72 would require the Office of the State Superintendent of Education to report findings and recommendations on eliminating out-of-school suspensions and expulsions to the Mayor and the Council within 180 days of the effective date of the act.

I am available if you have any questions.

VDZ

1. 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.*). [↑](#footnote-ref-1)
2. The introduced version amended the enforcement and penalties provision (D.C. Official Code § 38-203). The revised draft print does not. [↑](#footnote-ref-2)
3. Under D.C. Official Code § 38-251, MPD has authority to take a minor into custody and to a truancy center when an officer has reasonable grounds to believe the minor is truant. [↑](#footnote-ref-3)
4. 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)), requires such a referral. According to a revised fiscal impact statement, “[f]unds are sufficient…to implement” the law and that “[a]ll the provisions of the law are being implemented.” *See* Revised Fiscal Impact Statement, “Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010” (March 19, 2013). Bill 20-72 also includes a conforming amendment to repeal the “subject-to-appropriations” applicability clause in the law. [↑](#footnote-ref-4)
5. Current regulations require that such referrals be made, beginning in the 2014-2015 school year, after a minor accrues 20 unexcused absences in a school year. 5-A DCMR § 2103.5(b). [↑](#footnote-ref-5)