

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend An Act “To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes,” to improve notification procedures for school absences, require more robust reporting of truancy and absenteeism data, to charge the Office of the State Superintendent for Education with referring students who accrue unexcused absences in the first instance to the Department of Human Services, to provide for subsequent referral to the Child and Family Services Agency or the Office of the Attorney General when a significant number of additional unexcused absences are accrued; to amend the State Education Office Establishment Act of 2000 to require the Office of the State Superintendent for Education to provide tiered support to schools with higher rates of absenteeism and truancy, to require the Office of the State Superintendent for Education to establish an attendance incentive program, and to expand valid excuses for a student’s absence; to amend The Public Education Reform Amendment Act of 2007 to require the District of Columbia Public Schools to update its disciplinary policies to include restorative discipline practices, and to require the Deputy Mayor for Education to convene regular meetings with school leaders regarding effective responses to truancy and absenteeism; and to amend An Act to enact part II of the District of Columbia Code, entitled "Judiciary and Judicial Procedure," codifying the general and permanent laws relating to the judiciary and judicial procedure of the District of Columbia to ensure that families are not facing accountability for District agency failures to provide services to children and to clarify the standard for educational neglect.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Showing Up for Students Amendment Act of 2024”.

Sec. 2. 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 sec. 38–201 *et seq.*), is amended as follows:

41 (a) Sections 5-7 of Article I (D.C. Official Code § 38–203) are amended as follows:

42 (1) Subsection (i) is amended by striking the phrase “Within 60 days after the
43 end of a school year” and inserting the phrase “Within 10 business days of the last school day of
44 each month”.

45 (2) Paragraph (i)(A) is amended by:

46 (A) striking the word “and” in subparagraph (iii)

47 (B) inserting the word “and” after the semicolon in subparagraph (iv)

48 (C) inserting a new subparagraph (v) to read as follows:

49 “(v) three or more days in any 30-day rolling period;”

50 (3) Subsection (k) is amended by inserting the sentence “Beginning in 2024 and
51 each year thereafter, this report shall identify the most common root causes of truancy and
52 chronic absenteeism; the most effective interventions in the district; and an assessment of
53 additional funding that would be needed to meet the unmet identified needs of students at risk of
54 truancy and chronic absenteeism, including home visits, telehealth, clothing, housing vouchers,
55 direct cash assistance, behavioral health services, and reliable transportation.” after the word
56 “attendance.”

57 (b) Section 1 of Article II (D.C. Official Code § 38–202) is amended to read as follows:

58 “(d) The Board shall, pursuant to subchapter I of Chapter 5 of Title 2, issue rules to
59 establish requirements to govern acceptable credit for studies completed at independent or
60 private schools and private instruction, to govern the selection and appointment of appropriate
61 staff members to carry out the provisions of this chapter under the direction of the
62 Superintendent of Schools, pursuant to Chapter 6 of Title 1, and in respect to other matters
63 within the scope of authority of the Board that relates to this subchapter. The requirements issued

64 by the Board shall include a requirement that each educational institution shall make at least one
65 attempt to contact the parent, guardian, or other person who has custody of a minor who has an
66 apparent unexcused absence within two business days of the failure of a parent or guardian to
67 provide a valid excuse for absence. An educational institution shall be permitted to meet this
68 requirement by sending an automated text, email, or pre-recorded phone call.”

69 (c) Section 7(c)(1)(A) of Article II (D.C. Official Code § 38–208) is amended to read as
70 follows:

71 “(a) Repealed.

72 “(b) Within 2 business days of the 3rd unexcused absence in any 30 day period, the
73 educational institution shall notify the Office of the State Superintendent of Education which
74 shall provide the parent or guardian with the truancy prevention resource guide created pursuant
75 to § 38-2602(b)(19); provided, that the parent has not previously received the truancy prevention
76 resource guide.

77 “(c) In addition to the requirements set forth in subsection (b) of this section:

78 “(1) (A) Beginning in the 2016-2017 school year, the educational institution
79 shall refer a minor student 5 years of age through 13 years of age to the Child and Family
80 Services Agency pursuant to § 4-1321.02(b)(1)(B) no later than 2 business days after the accrual
81 of 10 unexcused full school day absences within a school year. Beginning in the 2025-2026
82 school year, this subparagraph shall no longer apply.

83 “(B) Beginning in the 2016-2017 school year, the educational institution
84 shall refer a minor student 14 years of age through 17 years of age to the Court Social Services
85 Division of the Superior Court of the District of Columbia and to the Office of the Attorney
86 General Juvenile Section no later than 2 business days after the accrual of 15 unexcused full

87 school day absences within a school year. Beginning in the 2024-2025 school year, this
88 subparagraph shall no longer apply.

89 “(C) The educational institution shall have discretion with regard to the
90 referral requirements set forth in subparagraphs (A) and (B) of this paragraph if a minor student
91 accrues the 10th or 15th unexcused absence, respectively, within the final 10 school days of a
92 school year. Beginning in the 2024-2025 school year, this subparagraph shall no longer apply.

93 “(D) Beginning in the 2024-2025 school year, the Office of the State
94 Superintendent for Education, using attendance data provided by educational institutions, shall
95 refer a minor student 14 years of age through 17 years of age to the Department of Human
96 Services no later than 2 business days after the accrual of 7 unexcused absences in a rolling 120-
97 day period and may make a referral if a minor student has accrued 7 excused or unexcused
98 absences in a school year. Within two business days of referring a student to the Department of
99 Human Services, the Office of the State Superintendent for Education shall notify the
100 educational institution where the student is enrolled of the referral.

101 “(E) Beginning in the 2025-2026 school year, the Office of the State
102 Superintendent for Education, using attendance data provided by educational institutions, shall
103 refer a minor student 5 years of age through 13 years of age to the Department of Human
104 Services no later than 2 business days after the accrual of 7 unexcused absences in a rolling 120-
105 day period and may make a referral if a minor student has accrued 7 excused or unexcused
106 absences in a school year.

107 “(F) By the beginning of the 2024-2025 school year, the Office of the
108 State Superintendent for Education shall establish a process for a parent or guardian to cure an
109 unexcused absence by providing evidence that an unexcused absence was recorded in error.

110 “(2) Within 3 business days of the Office of the Attorney General, Juvenile
111 Section receiving written notification pursuant to paragraph (1)(B) of this subsection, the Office
112 of the Attorney General shall send the minor student’s parent a letter notifying the parent that he
113 or she may be subject to prosecution for violation of the school attendance requirements under
114 this subchapter. Beginning in the 2024-2025 school year, this subparagraph shall no longer
115 apply.

116 “(3) Beginning in the 2024-2025 school year, the Department of Human Services
117 may refer a minor student’s parent or guardian to the Child and Family Services Agency or the
118 Office of the Attorney General if the student incurs three or more additional unexcused absences
119 after the Department of Human Services has made contact with the student’s parent or guardian
120 (or exhausted all reasonable methods of doing so) and the Department of Human Services has
121 not observed meaningful efforts by the student, parent, or guardian to address the root causes of
122 absenteeism.

123 “(4) Beginning in the 2025-2026 school year, the Department of Human Services
124 shall refer a minor student 5 years of age through 13 years of age to the Child and Family
125 Services Agency pursuant to Section 2 of An Act to provide for the mandatory reporting by
126 physicians and institutions in the District of Columbia of certain physical abuse of children (Pub.
127 L. 89-775; D.C. Official Code § 4–1321.02 (b)(1)(B) no later than 2 business days after the
128 accrual of 20 unexcused full school day absences within a school year.

129 “(5) Beginning in the 2024-2025 school year, the Department of Human Services
130 shall refer a minor student 14 years of age through 17 years of age to the Court Social Services
131 Division of the Superior Court of the District of Columbia and to the Office of the Attorney
132 General Juvenile Section no later than 2 business days after the accrual of 25 unexcused full

133 school day absences within a school year.

134 “(6) The Office of the State Superintendent for Education shall have discretion
135 with regard to the referral requirements set forth in subparagraphs (4) and (5) of this paragraph if
136 a minor student accrues the 20th unexcused absence, respectively, within the final 20 school days
137 of a school year.

138 “(7) Within five business days of receiving notification of a referral of a student
139 pursuant to paragraph (1)(B) of this subsection, the Department of Human Services shall provide
140 the Office of the State Superintendent for Education and the educational institution where the
141 student is enrolled with the name and contact information of the case worker assigned.”

142 “(c-1) Beginning in the 2024-2025 school year, a student who accrues 20 or more
143 unexcused absences in the prior school year shall receive a home visit from a student support
144 team or a case worker at the Department of Human Services at least three weeks prior to the start
145 of the next academic year. The home visit shall explore barriers to attendance the previous year
146 and possible interventions, ensure that the student is enrolled at a District school, and update the
147 student’s individualized education plan. To the extent possible, the home visit should include any
148 adult mentors, adult relatives, or service providers whose participation the student and the
149 student’s parent or guardian consents to.

150 “(d) By July 1 of each year, the State Superintendent of Education shall send written
151 notice to each educational institution outlining the attendance and reporting requirements
152 outlined in this subchapter.”

153 Sec. 3. Section 3 of the State Education Office Establishment Act of 2000 (D.C. Official
154 Code § 38–2602) is amended as follows:

155 (a) Inserting in subsection (b) the following new paragraphs to read as follows:

156 “(33) Within a year of the effective date of the Youth Support Act of 2024 and every two
157 years thereafter, make publicly available on a website a set of profiles of students who are most
158 at--at-risk of chronic absenteeism and truancy; the root causes of absenteeism and truancy,
159 including, but not limited to, the prevalence of chronic toxic stress among chronically absentee
160 students; and the most effective protective factors and interventions as well as a study of the
161 intersectionality of causes, risk factors, and absence of protective factors for the most at risk
162 quartile of students and the most at risk decile of students.

163 “(34) By the beginning of the 2025-2026 school year, establish a tiered system of support
164 for LEAs experiencing high rates of truancy or absenteeism. That tiered support system shall
165 include:

166 “(A) monthly assessment of absenteeism trends and adjustment of the support
167 provided to District of Columbia public schools and LEAs;

168 “(B) Staff who can assist with case management and referrals to the Department
169 of Human Services;

170 “(C) Coordination with the Deputy Mayor for Education and other District
171 Agencies to assess and address community violence, poor housing conditions, or other causes of
172 absenteeism that are assessed to be the cause of absenteeism for multiple students in the District
173 of Columbia public school system;

174 “(D) Requirements and support for schools conducting summer outreach to
175 students who were chronically absent or truant in the preceding school year.

176 “(35) Establish attendance incentive programs for District public school students, student
177 organizations, athletic programs, and out-of-school programs, including:

178 “(A) Low-cost incentives for individual student attendance, such as adjustments
179 to the length of recess, exceptions to school uniform requirements, or special forms of
180 recognition;

181 “(B) Communal incentives for student organizations or teams that meet regularly
182 between 3pm and 6pm during at least one term of an academic year; and

183 “(C) Awards or other incentives for educators and school staff who merit
184 recognition for the efforts to establish positive relationships with students outside of the
185 classroom.”

186 (b) Inserting a new subsections (e) and (f) to read as follows:

187 “(e) Prior to the 2024-2025 academic year, OSSE shall amend the definition of an
188 “excused absence” at District of Columbia Municipal Regulations § 5-A2102 to include the
189 following circumstances:

190 “(1) The student, the student’s parent or guardian, or another individual residing
191 in the same dwelling as the student was the victim of a crime on the day of the absence or the
192 preceding day;

193 “(2) There is reasonable belief of a specific or presumed threat of violence to the
194 student on the day of the absence;

195 “(3) The student was absent as a result of the serious illness of a parent, guardian,
196 sibling, or grandparent;

197 “(4) The student’s parent or guardian has been permanently displaced from their
198 primary residence and the student is in the process of being enrolled in a different school; and

199 “(5) The student’s absence was the consequence of the removal of a child from
200 the custody of a parent or guardian or delinquency proceedings, including hearings and other

201 court-mandated requirements; and

202 “(6) The student’s absence was the consequence of a proceeding regarding the
203 child’s immigration status, including appointments with legal counsel or immigration authorities
204 that could not be scheduled outside of school hours.”

205 “(f) Beginning in the 2024-2025 academic year OSSE shall record any student's absence
206 as excused if OSSE failed to provide transportation to that student on the day of the absence.”

207 Sec. 4. The Public Education Reform Amendment Act of 2007 (D.C. Law 17-9; D.C.
208 Official Code § 38-170 *et seq.*) is amended as follows:

209 (a) Section 105 is amended by inserting a new subsection (e) to read as follows:

210 “(e) By the beginning of the 2024-2025 school year, the Chancellor shall issue an
211 updated disciplinary policy implementing the requirements of Section 2(c) of the Student Fair
212 Access to School Amendment Act of 2018 (D.C. Official Code § 38–236.03).”

213 (b) Section 202 is amended by inserting a new subsection (h) to read as follows:

214 “(h) Beginning in the 2024-2025 school year, the Deputy Mayor for Education shall
215 convene biannual reviews of chronic absenteeism and truancy trends with local education agency
216 leaders and the Deputy Mayor for Health and Human Services, and coordinate with the Deputy
217 Mayor for Public Safety, violence interruption organizations, community organizations, and
218 other agencies beyond the education and health-and-human-services clusters to address root
219 causes or contributing factors of absenteeism or truancy, including childhood chronic toxic
220 stress, neighborhood violence, road safety, and safe housing.”

221 Sec. 5. Section 1 of An Act to enact part II of the District of Columbia Code, entitled
222 "Judiciary and Judicial Procedure," codifying the general and permanent laws relating to the
223 judiciary and judicial procedure of the District of Columbia (Public Law 88-241; D.C. Official

224 Code § 16–2301 is amended as follows:

225 (a) Paragraph (8) is amended to read as follows:

226 “(8) The term “child in need of supervision” means a child who is in need of care
227 or rehabilitation and—

228 “(A) is subject to compulsory school attendance and habitually truant from
229 school without justification and

230 “(i) the child has been engaged by a school-based student support
231 team as defined in Section 1 of An Act To provide for compulsory school attendance, for the
232 taking of a school census in the District of Columbia, and for other purposes (43 Stat. 806; D.C.
233 Official Code § 38-201(3B)) in the current or preceding academic year;

234 “(ii) the child was referred to the Department of Human Services
235 pursuant to the process established by Section 2(c) of the Youth Support Act of 2024 (D.C.
236 Official Code § 38–208), and the Department of Human Services made contact with the child’s
237 parent or legal guardian (or exhausted all reasonable methods of doing so);

238 “(iii) the child’s unexcused absences are not the manifestation of a
239 disability or the failure of a school to identify the need for and implement an individualized
240 education plan;

241 “(iv) the child’s unexcused absences are not a result of a failure of
242 the District of Columbia to provide transportation in cases where the District of Columbia has a
243 legal responsibility for the transportation of the student;

244 “(v) the child’s unexcused absences are not the product of a failure
245 by the Child and Family Services Agency or agents, including the child's out-of-home
246 placement, to report valid excuses; and

247 “(vi) the child’s unexcused absences are the not the product of
248 undocumented disciplinary exclusion.

249 “(B) has committed an offense committable only by children; or

250 “(C) is habitually disobedient of the reasonable and lawful commands of
251 his parent, guardian, or other custodian and is ungovernable;”

252 (b) Subparagraph (9)(A) is amended as follows:

253 (1) Sub-subparagraph (ii) is amended by striking the phrase “education as
254 required by law.”

255 (2) Sub-subparagraph (ix) is amended by striking the word “or”.

256 (3) Sub-subparagraph (x) is amended by striking the period and inserting “; or”

257 (4) A new sub-subparagraph (xi) is inserted to read as follows:

258 “(xi) who has 30 or more absences in any an academic year that
259 are not subject to a valid excuse as defined by District of Columbia Municipal Regulations § 5-
260 A2102 (regardless of whether those excuses were reported in a timely manner); and whose
261 parent, guardian, or custodian’s ongoing actions or pattern of inaction are the proximate cause of
262 the child’s failure to secure an education.”

263 Sec. 6. Subparagraph (b)(1)(B) of Section 2 of An Act to provide for the mandatory
264 reporting by physicians and institutions in the District of Columbia of certain physical abuse of
265 children (Pub. L. 89-775; D.C. Official Code § 4–1321.02) is amended by striking the phrase “10
266 or more days” and inserting “20 or more days.”

267 Sec. 7. Fiscal impact statement.

268 The Council adopts the fiscal impact statement in the committee report as the fiscal
269 impact statement required by section 4a of the General Legislative Procedures Act of 1975,

270 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

271 Sec. 4. Effective date.

272 This act shall take effect after approval by the Mayor (or in the event of veto by the
273 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
274 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
275 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
276 Columbia Register.