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Testimony Before the District of Columbia State Board of Education
July 20, 2022

Public Meeting:
District of Columbia's Amendments to the Compulsory Education and School
Attendance Regulations

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Good evening, President Sutter and members of the State Board of Education (SBOE). My name is Danielle Robinette, and I am a policy analyst at Children's Law Center and a former public-school teacher. I am testifying today on behalf of the Children's Law Center which fights so every DC child can grow up with a stable family, good health, and a quality education. With almost 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year.¹ Thank you for the opportunity to testify today regarding the District of Columbia's Amendments to the Compulsory Education and School Attendance Regulations and more broadly for the State Board's attention to attendance and truancy issues.

In March of this year, Children's Law Center testified regarding Bill 24-428, School Attendance Amendment Act of 2021 which sought to amend the current definition of "present" and, thus, reduce the number of students harmed by the 80/20 Rule² and its overly punitive consequences.³ At that hearing, the Office of the State Superintendent (OSSE) argued that Council action on attendance rules was inappropriate and promised that OSSE could make the necessary regulatory changes before the start of the 2022-2023 School Year. We are very glad to see that the agency has worked diligently since March to bring forth the emergency regulations before the State Board today.

Children's Law Center supports the emergency regulations. OSSE changes reduce harms caused by the 80/20 Rule by amending several sections Title 5-A, Chapter 21 of the

DC Municipal Regulations (DCMR). The emergency regulations will minimize the punitive consequences for students and improve schools' abilities to target supports to those students facing the greatest barriers to attendance. Specifically, the proposed regulations create new definitions for "present," "fully present," and "partially present." Together, these new definitions will change the 80/20 Rule to a 60/40 Rule. A 60/40 Rule will be more forgiving to students working to overcome attendance barriers. In doing so, this new rule will mitigate some harm by decreasing the number of students who are subject to the punitive consequences of the policy.

Additionally, the emergency regulations clarify language about when students are to be referred to school-based student support teams (SSTs). Under the 80/20 Rule, schools have noted that they face significant administrative burdens⁴ and a backlog of SST meetings. This regulatory system does not allow schools to differentiate between those students who miss 21% of a school day and those who are completely disengaged and missing all day every day, resulting in tens of thousands of SST referrals that school do not have the capacity to meaningfully conduct. The needs of a student who misses 5 full school days and a student who is tardy for 5 school days are likely quite different. OSSE's proposed regulations address this problem by amending 5A DCMR 2103.2(c)(3) to require that students be referred to and SST upon the accumulation of 5 "full day" unexcused absences. This change will significantly reduce the number of SST referrals

and allow schools to target their resources to support those students facing the most significant attendance barriers.

Again, we would like to thank OSSE for their quick work to amend the relevant regulations and create tangible improvements for SY22-23. We support the passage of the emergency regulations today and commend the SBOE for their attention to this important issue. Additionally, we want to highlight that this is just a first step in the work necessary to overhaul DC's attendance policies. The children and families we work with often face myriad challenges in attending school. Unstable and fluid living situations, unreliable transportation or unsafe routes, caregiver changes, health concerns, and familial responsibilities all serve as barriers to regular school attendance. For others, school disengagement results from the inability of their school to meet a student's special education or behavioral health needs. In such circumstances, threat of punitive consequence is insufficient to ensure students get to school when the hurdles in front of them are so overwhelming. We urge DC's education sector to move away from punitive responses to chronic absenteeism and instead focus efforts on supporting students and families in overcoming barriers to attendance.

Thank you again for the opportunity to testify, and I welcome any questions.

¹ Children’s Law Center fights so every child in DC can grow up with a stable family, good health, and a quality education. Judges, pediatricians, and families turn to us to advocate for children who are abused or neglected, who aren’t learning in school, or who have health problems that can’t be solved by medicine alone. With almost 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And we multiply this impact by advocating for city-wide solutions that benefit all children.

² Presently, 5-A DCMR § 2199 defines a student as “present” for any “single school day on which the student is physically in attendance . . . for at least eighty percent (80%) of the full instructional day . . .” This definition has created the so-called “80/20 Rule” which requires all public schools to mark absent any student who does not attend at least 80% of the school day.

³ *Bill 24-428, School Attendance Amendment Act of 2021 and Update on Improving School Attendance/Reducing Truancy and Chronic Absenteeism*, Public Hearing Before the Comm. of the Whole, D.C. Council, (Mar. 11, 2022) (testimony of Danielle Robinette, Policy Analyst, Children’s Law Center), *available at*: https://childrenslawcenter.org/wp-content/uploads/2022/03/CLC-Testimony_Mar-11-Attendance-Hearing_Final.pdf

⁴ District of Columbia State Board of Education, Letter RE: Challenges Associated with Implementation of the District of Columbia’s New Compulsory Attendance Laws and Recommendations for Addressing Them (April 1, 2015), p. 6 *available at*: https://sboe.dc.gov/sites/default/files/dc/sites/sboe/release_content/attachments/Chronic%20Absenteeism%20-%20ADOPTED%20-%20040115_0.pdf