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Testimony Before the District of Columbia Council
Committee of the Whole
November 30, 2022

Public Oversight Hearing:
Attendance, Chronic Absenteeism, and Truancy in the District

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Introduction

Good morning, Chairman Mendelson, Councilmembers, and Committee staff. 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 We appreciate the Committee's attention to attendance and truancy and thank you for the opportunity to testify today.

The children and families we work with often face myriad challenges in attending school that stem from a lack of resources. 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, the threat of punitive consequence is ineffective at ensuring students get to school when the hurdles in front of them are so overwhelming.

The Office of the State Superintendent of Education & the State Board of Education Have Made Important Improvements to Attendance Regulations in the District

Earlier this year, Children's Law Center testified before this Committee 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 We thank Councilmember Trayon White and the Committee for bringing much needed attention to this important issue. 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 were glad to see that the agency worked diligently to bring forth emergency and proposed regulations in time for the start of the 22-23 school year. The DC State Board of Education (SBOE) voted to approve the emergency regulations at their public meeting on July 20, 2022. The emergency rules were adopted and became effective on August 24, 2022. They will remain in effect until December 27, 2022, unless superseded by publication of a Notice of Final Rulemaking in the DC Register.

Children’s Law Center supports the emergency and proposed regulations. We joined a public comment on the emergency and proposed regulations submitted by the Every Student, Every Day Coalition (Appendix A). OSSE’s changes to the attendance regulations reduce the harms of the 80/20 Rule by amending several sections Title 5-A, Chapter 21 of the DC Municipal Regulations (DCMR). The new regulations 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 is more forgiving to students working to overcome attendance barriers. In doing so, this new rule mitigates 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 schools 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.

DC Must Prioritize Identifying and Addressing Individualized Barriers to Student Attendance

Attendance data shows that at-risk students⁵ are more likely to incur absences compared to their peers.⁶ At the same time, at-risk students report higher instances of

feeling unsafe due to bullying, harassment, and embarrassment.⁷ They are more frequently enrolled in schools with poor facility conditions, are more disconnected and disengaged from adults in the school community, have limited transportation options, and have additional familial responsibilities.⁸ Failing to address these issues only increases student absenteeism.⁹

Children’s Law Center supports the use of SSTs to create individualized solutions to address a student’s barriers to attendance. However, for schools to implement SSTs with fidelity, we strongly recommend that the Council provide the resources necessary through funding and staffing positions. In our experience, insufficient resources have led to SST meetings that are brief and superficial. These meetings often feel like a box to check off rather than a meaningful opportunity to find solutions for students and families. Specifically, we encourage the Council to provide funding for SSTs to be organized by an individual with case management experience. This school-based role would be dedicated to ensuring that SST meetings bring together all the relevant stakeholders to devise a plan to support a student’s attendance. Moreover, this role would be able to conduct follow up to determine if the support plan is working or if adjustments are needed.

Improving Student Attendance Requires Continued Collaboration and Effort

In addition to the recent amendments to the 80/20 Rule, Children’s Law Center encourages the Committee, the Deputy Mayor, the education agencies, and advocates to

continue to collaborate in efforts to identify and remove punitive attendance policies. As such, the recent change to the 80/20 Rule is just a first step in the work necessary to improve the regulatory landscape governing school attendance in DC. 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.

For example, DCPS's "failure due to absence" policy creates several of the same problems as the 80/20 Rule. Under this policy, a DCPS school cannot promote any student who accumulates 30 or more unexcused absences within a full school year.¹⁰ Secondary students with more than 30 unexcused absences in one course within a full school year also must receive a failing grade in that course with a resulting loss of credit in that course.¹¹ Like with the 80/20 Rule, the Failure Due to Absence Rule disincentivizes students from attending school and communicates that there is no point in attending school after they have missed 30 days. Instead, students should be granted the opportunity to learn and demonstrate mastery of course material before the possibility of course passage and/or grade promotion is foreclosed. Our school attendance policies should foster a supportive environment for students rather than convey to them the message that they have no reason to come at all.

Conclusion

Again, we would like to thank the Committee, OSSE, and the SBOE for their quick work to amend the relevant regulations and create tangible improvements for SY22-23.

I appreciate this 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-%2020040115_0.pdf

⁵ District of Columbia Office of the State Superintendent of Education, *District of Columbia Attendance Report, School Year 2018-2019* (November 30, 2019), p. 25, *available at*: <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2018-19%20School%20Year%20Attendance%20Report.pdf> (outlining that at-risk students are defined as those receiving Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP); students who are homeless: students under the care of CFSA; and students who are in high school and are at least one year older than the expected age for their grade).

⁶ *Id.*

⁷ Valerie L. Marsh, *Understanding Chronic Absenteeism: What Research Tells Us about Poor Attendance at School*, American Federation of Teachers (AFL-CIO) (Winter 2019–2020) *available at*: <https://www.aft.org/ae/winter2019-2020/marsh>

⁸ *Id.*

⁹ *Id.*

¹⁰ 5B DCMR § 2103.3

¹¹ 5B DCMR § 2013.6

Appendix A



**EVERY STUDENT
EVERY DAY**

Ending DC's School-to-Prison Pipeline

October 17, 2022

VIA EMAIL: ossecomments.proposedregulations@dc.gov

Mr. Andrew Gall
Deputy Chief of Staff, Legislative Affairs & Policy
Office of the Chief of Staff
Office of the State Superintendent of Education
1050 First St. NE, 3rd Floor
Washington, DC 20002

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

Dear Mr. Gall,

Thank you for the opportunity to provide comments to the Office of the State Superintendent of Education's (OSSE) proposed rulemaking on the District of Columbia's Amendments to the Compulsory Education and School Attendance Regulations governing in-person attendance and distance learning attendance. These comments are submitted on behalf of the Every Student Every Day Coalition (ESED). The mission of the Every Student Every Day Coalition (ESED) is to advance social, economic, and racial justice by promoting policies, programs, and smart resource allocations that enhance positive school culture, increase meaningful attendance and engagement, and end the District's reliance on suspension, expulsion, and school-based arrest. ESED supports these regulations and offers comments below in an effort to further strengthen them.

In March 2022, ESED member organizations testified before the DC Council regarding Bill 24-428, the 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 Rule¹ and its overly punitive consequences.² At that hearing, the Council determined that OSSE, as the state’s education agency, was better suited to rulemake on attendance and distance learning. OSSE agreed and Superintendent Grant assured Council that OSSE would deliver on its proposed regulatory changes before the start of the 2022-2023 school year. ESED is glad that OSSE kept its promise to deliver – on time – to the students and families of the District who have been negatively impacted for far too long by the 80/20 Rule. Since the beginning of the 2021-2022 school year, ESED members have worked to inform stakeholders in the District of the unintended consequences of the 80/20 Rule and how it negatively impacts some students’ participation in school.

Our comment does not specifically address the provisions around distance learning because it would be premature to react at this time given their infancy. However, we look forward to seeing how those provisions are implemented for students across the District this school year. Additionally, in a continued showing of accountability to the District’s education stakeholders, we strongly encourage OSSE to take this opportunity to report school-level attendance data in a publicly accessible platform to show the community how the agency is reaching its own rigorous standards.

We thank OSSE for its swift action in this rulemaking. Additionally, we offer the below suggestions that we hope OSSE will consider as it moves towards final rulemaking. Where we

¹ Presently, 5A DCMR § 2199.1 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.

² See e.g., *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

make recommendations of specific textual changes to the proposed regulations, **bold** text represents suggested additions to the drafted language and ~~strikethrough~~ text represents suggested cuts from the drafted language.

I. The 60/40 Rule Will More Accurately Identify Students in Need of Attendance Support

Prior to the promulgation of OSSE’s emergency regulations, District students were marked absent unless they were present for at least 80% of “periods of actual instruction.”³ This rule – colloquially known as the 80/20 Rule – appeared to be used primarily for data collection and for triggering interventions related to the Attendance Accountability Amendment Act of 2013.⁴ Previously, when a student missed more than 20% of the periods in a day, they were counted absent for the day even if they were present in class for 75% of the day. Additionally, based on our experience, some students were physically present at school, but spent much of the school day walking the halls. In this situation, the student could be marked present for the day under the 80/20 Rule while spending less time in class than the student who was marked absent despite attending for 75% of the day’s instructional time. As a result, on the individual level, the 80/20 Rule, especially at the high school level, failed to meaningfully distinguish between students who may be chronically absent, chronically truant, or physically present but not engaging academically. However, the same statutorily defined interventions were required for all students deemed absent under the 80/20 Rule regardless of their actual level of engagement in school.

Additionally, aggregate data showing when in the academic year students accrue ten unexcused absences reveals another potential flaw related to the 80/20 Rule. During the 2018-2019 school year, 25% of students labeled truant did not accrue their tenth unexcused absence until

³ See 5-A DCMR § 2199.1 (definitions of “absence” and “present”).

⁴ Attendance Accountability Amendment Act of 2013, D.C. Act 20-94, § 101 (2013).

the last month of school.⁵ Moreover, nearly 10% of students labeled truant did not accrue their tenth unexcused absence until mid-June.⁶ These students essentially missed one day of school a month. However, the current regulatory scheme does not distinguish between students who miss ten days of school in a month and students who miss ten days over the course of a full school year. Thus, the 80/20 Rule both over-captured and under-captured absenteeism, making it very difficult to identify and implement effective individual and systemic solutions to attendance concerns in DC. The 80/20 Rule also formed the basis of a reactive statutory scheme – one in which interventions are mandated only after unexcused absences have accrued. As a result, we likely had both over-reacting and under-reacting to students who were absent from class.

Under the proposed regulations, students will be counted as present if they are in school for at least 60% of the school day.⁷ These changes will help reduce false positives and improve schools' abilities to target supports and interventions to those students facing the greatest barriers to attendance. The proposed regulations will also lessen the punitive consequences for students associated with being absent from school. As a result, the Every Student Every Coalition endorses the change from the 80/20 Rule to a 60/40 Rule.

II. OSSE Should Add a Category of Excused Absences Due to Public Transportation Delays

The District of Columbia's public transit system has experienced well-known and widespread challenges during the COVID-19 pandemic,⁸ and there is no definitive end in sight. While

⁵ Office of the State Superintendent of Education, "District of Columbia Attendance Report: School Year 2018-19" at 14-15 (Nov. 30, 2019), *available at*: <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2018-19%20School%20Year%20Attendance%20Report.pdf>

⁶ *See id.*

⁷ Compulsory Education and School Attendance, 69 D.C. Reg. 011289, 011304 (proposed Sept. 16, 2022) (to be codified at 5A DCMR § 2199.1).

⁸ *See e.g.*, Justin George & Lori Aratani, *Metro's Recurring Problems Raise Questions About Oversight, Management*, WASH POST (May 21, 2022), *available at*:

these delays certainly impact all District residents, the implications for students are significant: more than 75% of District students attend a school other than their in-boundary public school. Unlike in neighboring jurisdictions, the District does not provide school transportation to the general student body. Even those students who currently receive transportation as a disability-related accommodation, provided through OSSE’s Division of Student Transportation, have experienced severe attendance interruptions. Already this school year ESED has received reports of students who were transported to the wrong school, never picked up by their bus, picked up hours late, or not provided with a bus route until days or weeks after the start of the school year.

Overlaying all of these considerations is the fact that the resulting impact is not felt equally. In 2021, the Office of the Deputy Mayor for Education found that Black students were the least likely to attend their in-boundary school, followed by Latine and Multi-Racial students; white students were the most likely.⁹ Students who live in Wards 7 and 8 must travel, on average, more than three miles from their home to get to school, compared with, for example, 1.25 miles for Ward 3 residents and 1.4 miles for Ward 2 residents.¹⁰ Moreover, students in Wards 4, 5, 7, and 8 have diminished access to Metro stations.¹¹

Ensuring that District students can get to school without interference from transportation-related delays will require a holistic solution. Indeed, the D.C. Policy Center highlights that a lack

<https://www.washingtonpost.com/transportation/2022/05/21/metro-rail-oversight-train-safety/>; see also, Justin George, *Fallout Grows from Metro’s Train Shortage amid Safety Probe*, WASH POST (Sept. 22, 2022), available at: <https://www.washingtonpost.com/transportation/2022/09/22/metro-7000-series-silver-line/>

⁹ See Office of the Deputy Mayor for Education, “Edsight: Black Students Are Least Likely to Attend In-Boundary DCPS Schools in Most Wards” at 1, (October 2021), available at:

https://dme.dc.gov/sites/default/files/dc/sites/dme/publication/attachments/DME_EdSight%20Race%20and%20Ethnicity%20Enrollment%20Type%20FINAL.pdf

¹⁰ See *id.*, at 2.

¹¹ See DC Geographic Information System, Open Data DC, Metro Stations in DC & Wards from 2022, (accessed on Oct. 14, 2022), available at: <https://opendata.dc.gov/datasets/DCGIS::metro-stations-in-dc/about> (showing Metrorail heatmap with highest concentration of Metrorail stations in Wards 1, 2, and 6 and lowest concentrations and large gaps in coverage in Wards 4, 5, 7, and 8).

of reliable transportation is one of the most significant factors impacting attendance rates.¹² While a transportation reimagination is taking place, students should not face additional and unnecessary negative consequences of these failures, well outside of their control. Therefore, ESED offers the following changes to § 2102.2 of the proposed regulations:

- (j) Absences to allow students to visit their parent or guardian, who is in the military during, immediately before, or immediately after deployment; ~~and~~
- (k) An emergency or other circumstances approved by an educational institution; **and**
- (l) A delay in public transportation which impacts the student's route**

Councilmember Trayon White included a similar provision in his School Attendance Amendment Act of 2021, which required that students would be excused for verified delays in public transportation up to 10% of the school day. Although ESED agreed with and appreciated making an allowance for delays in public transportation, it was not clear why students who experienced longer delays should be penalized for it, and we therefore recommend removing the 10% cap. We also do not believe that verification is generally necessary or helpful. District schools currently take families at their word when they say that the student is absent due to illness, up to a point. Ostensibly, this practice reflects a belief that it is better to risk false-negatives than false-positives when adding a harmful unexcused absence to a student's record.

III. OSSE Must Provide LEAs with Additional Technical Assistance and Training

As is the case with any significant change to regulations, the individuals chartered with implementing new practices will need sufficient training and technical assistance to ensure that the regulations work as intended. Regarding the proposed changes to the attendance regulations, we anticipate that schools will need not only training on the substantive changes but will also need

¹² See Phyllis Jordan, D.C. Policy Center, "What D.C. Schools Need to Do to Tackle Chronic Absenteeism," (Feb. 13, 2022), available at: <https://www.dcpolicycenter.org/publications/d-c-schools-chronic-absenteeism/>

technical assistance with updating and using new attendance recordkeeping tools. However, the proposed regulations do not clearly identify OSSE’s obligation to provide these supports to LEAs. For example, § 2103.4(a) requires that school-based support teams “be provided training on the compulsory attendance laws, regulations, and policies of the District of Columbia and OSSE; absenteeism and truancy intervention strategies and best practices; and available remedies and services to ameliorate the causes of absenteeism and truancy.” However, the draft language does not identify who is responsible for providing or funding this training. As such, we recommend the following amendment:

~~2103.4(a) Prior to performing school-based student support team functions, appointed team members~~ OSSE shall be provided **annual training to LEAs** on the compulsory attendance laws, regulations, and policies of the District of Columbia and OSSE; absenteeism and truancy intervention strategies and best practices; and available remedies and services to ameliorate the causes of absenteeism and truancy; **prior to performing school-based student support team functions, appointed team members shall be required to complete this training;**

In developing this training, we encourage OSSE to ensure that school-based staff are aware of the new regulations, the new absence categories (partially present, partially absent, fully present, fully absent), and that they understand how to correct attendance records after the fact. The training around correcting records is critically important. Through our experiences representing students, we often find that schools misunderstand the rules around amending attendance records beyond a certain date. ESED appreciates the changes made to § 2101.4(b) to remove the 15-day cap on corrections to attendance records. We believe this change will provide more accurate data and better reflect the realities of student attendance in the District. In support of this change, we strongly urge OSSE to provide LEAs with clear guidance on attendance record keeping, including how to submit corrections under the new regulations.

IV. The Proposed Regulations Must Include Adult Students Enrolled in High School Diploma Granting Programs, Where Appropriate.

Under the proposed regulations, efforts must be taken to adequately inform and engage adult students in high school diploma programs when there are questions related to their attendance. ESED recognizes that older students are not subject to the compulsory education law. However, adult students are still subject to the pernicious effects of the District of Columbia Public Schools' (DCPS) 30-day failure due to absence rule, which was an all too real corollary of the 80/20 Rule and will continue to be so under the new 60/40 Rule. Without a requirement that schools make efforts to contact parent(s), guardian(s) and *the student*, an adult student not residing with their parents/guardians could be marked as absent when there is a valid excuse. As such, we urge OSSE to review the entirety of the rulemaking for opportunities to include reference to adult students, we have listed below several instances where we recommend the addition of “adult student” to the draft language.

§ 2101.3(j)(1) Contact with parent(s), ~~or~~ guardian(s), **or the adult student, as applicable**; and

§ 2101.18(c) Communicate attendance expectations to parents, ~~and~~ guardians, **or the adult student, as applicable**, including but not limited to an expectation for adequate supervision of their child(ren) during situational distance learning.

§ 2103.2(c)(1) A procedure requiring reasonable and diligent attempts to make personal contact with the parent(s) or guardian(s) of a student, **or the adult student, as applicable**, on the same day, and each time, a student has the equivalent of one (1) day of unexcused absence, with daily follow-ups as necessary;

§ 2103.2(c)(2)(B) Consultation with parent(s), ~~or~~ guardian(s), **or the adult student, as applicable**, both at the onset of absenteeism and in those circumstances where chronic absenteeism persists.

Relatedly, the regulations should explicitly permit adult students to submit their own absence excuses. Adult students may not be in contact with a parent or guardian able to submit an

absence excuse on their behalf. Moreover, upon turning 18 and reaching the age of majority,¹³ the rights of parents transfer to the student and these adult students become their own educational decision makers.¹⁴ Without explicit language allowing those students to provide their own absence excuses, they may wrongfully accumulate unexcused absences that may in turn trigger harmful consequences such as DCPS's 30-day failure due to absence rule. We suggest adding a new section with the following language to codify that adult students not subject to the compulsory attendance law may submit their own absence excuse to the attendance monitor.

“An adult student not subject to the compulsory attendance law, as defined by D.C. Official Code § 38-202(a) is permitted to submit an excuse on their own behalf for an absence.”

V. **OSSE's Amendments to SST Referrals Will Improve Schools' Ability to Support Chronically Absent Students**

Additionally, the proposed regulations clarify language requiring student referrals to school-based student support teams (SSTs). Under the 80/20 Rule, schools noted that they faced significant administrative burdens and a backlog of SST meetings.¹⁵ The prior regulatory system did not allow schools to differentiate between those students who missed 21% of a school day and those who are completely disengaged and missed all day, every day. By conflating students who are chronically truant with students who are chronically absent, the previous regulatory language led to thousands of SST referrals that school did not have the capacity to meaningfully conduct.¹⁶ The needs of a student who misses five full school days and a student who is tardy for

¹³ See DC Code § 46-101

¹⁴ See e.g., 5A DCMR § 3035

¹⁵ See 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%20Absenceism%20-%20ADOPTED%20-%20040115_0.pdf

¹⁶ See *id.*, at 9.

five school days are likely quite different. This is not to imply that the chronically tardy student does not need support, only that overcoming their obstacles will require a different approach.

The proposed regulations address this problem by amending 5A DCMR § 2103.2(c)(3) to require that students be referred to an SST upon the accumulation of five “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. We support this change and hope that the narrower application of the SST intervention will allow schools to better identify the needs of chronically absent students and, subsequently, engage meaningfully in helping these students overcome their unique barriers to attendance. We encourage OSSE to work with the larger education sector to monitor implementation of SSTs under the new regulations and evaluate how this regulatory change impacts efficacy of programming.

Conclusion

In closing, we would like to thank OSSE again for its quick work to amend the relevant regulations and create tangible improvements for the 2022-2023 school year. We support the important changes made to the attendance regulations. Additionally, we want to highlight that this is just a first step in the work necessary to overhaul the District’s attendance policies. The students and families we work with often face a myriad of 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, the threat of punitive consequences is insufficient to ensure students get to school when the hurdles in front of them are so

overwhelming. We urge the District'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.

Signed by the following members of the ESED Coalition:

ACLU of the District of Columbia
Advocates for Justice in Education
Black Swan Academy
Children's Law Center
D.C. Fiscal Policy Institute
Georgetown Juvenile Justice Initiative
Public Defender Service for the District of
Columbia
School Justice Project
Washington Lawyers' Committee for Civil
Rights and Urban Affairs