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Testimony Before the District of Columbia Council
Committee of the Whole
May 13, 2024

Public Roundtable:
Student Absenteeism and Discipline

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INTRODUCTION

Good afternoon, Chairman Mendelson, members of the Committee, and staff. My name is Judith Sandalow. I am the Executive Director of Children's Law Center and a resident of the District. Children's Law Center believes every child should grow up with a strong foundation of family, health and education and live in a world free from poverty, trauma, racism and other forms of oppression. Our more than 100 staff – together with DC children and families, community partners and pro bono attorneys – use the law to solve children's urgent problems today and improve the systems that will affect their lives tomorrow. Since our founding in 1996, we have reached more than 50,000 children and families directly and multiplied our impact by advocating for city-wide solutions that benefit hundreds of thousands more.

Thank you for the opportunity to testify regarding student attendance. Children's Law Center represents DC students who regularly face barriers in accessing their education. Through our medical-legal partnership, Healthy Together, we represent parents whose children are facing school attendance challenges, including parents of children with asthma who are hospitalized due to poor housing conditions, parents of children who are being bullied, and parents of students denied meaningful special education services. We also represent children in foster care who face myriad challenges accessing and engaging with their education. My testimony and recommendations today arise from our experience representing students who are often furthest from opportunity.

GREATER CLARITY IS NEEDED REGARDING THE PROBLEM OF INCREASED ABSENTEEISM

Conversations about the increasing rates of chronic absenteeism and truancy sometimes lose sight of the underlying problem. Put simply, higher rates of absenteeism and truancy mean that students miss school more often. This matters because absent students are missing out on vital learning necessary to prepare them for adulthood. Chronic absenteeism has been shown to be a stronger predictor of course failure than test scores¹ and attendance is one of the strongest predictors of high school graduation.² There is a significant body of research demonstrating “that chronic absenteeism from pre-kindergarten forward lowers academic achievement, increases dropout rates, and weakens college and career readiness.”³ As the Council considers the various tools available to the District to improve student attendance and engagement, we urge you to stay focused on the goal of ensuring that DC students are receiving an education that adequately prepares them for college or career.

To address barriers to attendance, it is critical to understand why students miss school. Importantly, if we are truly focused on ensuring that students are learning, we must examine drivers of both excused *and* unexcused absences. Regardless of whether we feel an absence was valid (and thus excused), the student is still missing instructional time that may undermine their academic outcomes. If our goal is to ensure that DC students are prepared for life after high school, we cannot ignore excused absences.

Students have complex lives in which school is just one part. National research and anecdotal evidence provide some insight into the myriad reasons why students are absent – whether excused or unexcused. Research tells us that barriers to attendance fall into six domains of functioning: academic, social–emotional, mental health, physical health, family, and school & community.⁴ However, barriers within each domain intersect in ways unique to individual students and their family circumstances.

Reasons for School Absences	
<u>Excused Absences</u> ⁵	<u>Unexcused Absences</u> ⁶
<ul style="list-style-type: none"> • Illness and quarantine periods • Death in the family • Required to attend judicial or administrative proceeding • Religious holidays • Suspensions and expulsions • Delays and cancellations of OSSE-provided transportation • Medical or dental appointments • Deployment of military parent 	<ul style="list-style-type: none"> • Unstable housing • Food insecurity • Unreliable transportation • Unsafe neighborhoods / commutes • Sibling childcare responsibilities • Behavioral health issues • Unmet special education needs • Shame related to poor academic performance • Lack of clean clothes or access to laundry facilities • Refusal to attend school because the student <ul style="list-style-type: none"> • Feels unwelcome • Is being bullied • Does not feel connected to peers or adults at school

A student struggling academically may develop mental health concerns like anxiety that manifests as a refusal to go to school. Community violence may create behavioral and physical health concerns that impede regular school attendance. Moreover, additional research finds that one “overarching correlate of chronic absence may be poverty. Homelessness, housing instability, family obligations such as caring for younger siblings or elderly family members, and lack of a safe path to school are poverty-related barriers that prevent students from consistently attending schools.”⁷

Given the broad array of reasons that students miss school, there will be no one-size-fits-all program or intervention that will “solve” chronic absenteeism in the District. Each student, family, school, and neighborhood will have their own unique combination of attendance barriers that require tailored interventions. We cannot offer appropriate interventions and supports without first knowing which barriers to attendance a child faces. We cannot effectively allocate resources without knowing which barriers are most prevalent in each specific school. And we cannot scale interventions and supports without knowing which barriers are most prevalent across the District.

DC NEEDS MORE ROBUST ATTENDANCE DATA TO UNDERSTAND WHY STUDENTS ARE NOT IN SCHOOL

The District does not currently collect and publish data related to school attendance with the specificity necessary to inform policy and practice decisions. OSSE’s annual attendance report provides only limited insight into the attendance outcomes for DC students. It does not regularly identify common reasons for absences. It does not

provide data broken down by (or comparing trends among) sectors, schools, school types, ward of school or student residence, method of school transportation, or any other number of key factors. Most importantly, it does not report on root causes of absenteeism. Each year, OSSE chooses “Populations in Focus” where they dive deeper into the data for a particular subset of students. However, because these focus groups change each year, there is no follow-up on previously analyzed groups.

To better address student absenteeism, the District needs more specific and robust data. Students at specific schools and in specific neighborhoods may share some of the same barriers. DC cannot effectively allocate resources or develop new interventions without knowing which students, schools and neighborhoods need them. More detailed school- and neighborhood-level data would allow stakeholders to identify the attendance needs of different groups to tailor the interventions developed to support them. Without increased specificity in absenteeism data, schools must continue to rely on anecdotal evidence as to what their students need and how best to meet those needs.

Experts encourage policymakers “to ensure accurate, comparable and transparent data that helps key stakeholders take action to improve student outcomes and assume shared accountability.”⁸ DC’s current attendance data does not allow LEAs or OSSE or community stakeholders to address barriers to attendance in a tailored or timely manner. We recommend three changes that will allow for a more nuanced response to trends in student absenteeism:

Recommendation One: Report Data on Excused *and* Unexcused Absences by Reason

OSSE's current attendance reporting focuses primarily on the "chronically absent" and "truant" metrics without providing any additional nuance regarding similarities and differences between the two. Chronic absenteeism includes both excused and unexcused absences and is defined as missing ten percent of instructional days⁹ - or 18 days over the course of the school year. On the other hand, truancy comprises only unexcused absences and is defined by the accrual of 10 unexcused absences during the school year. There is some overlap between the two categories. For example, a student who accrues 18 unexcused absences in a school year is both chronically absent and truant. So is a student who accrues 10 unexcused and 8 excused absences. However, a student with 18+ absences that are all excused is chronically absent, but not truant.

As we suggested at the outset, the District should focus on ensuring that students are learning the knowledge and skills necessary for post-secondary life. This means that DC should not just look at unexcused absences. It should also look closely at students missing a significant number of school days for excused reasons. Perhaps a student has chronic illness that flares up intermittently and results in 25 excused absences during the school year. This student has missed extensive instructional time; but, because all the absences were excused, there is no required process to identify potential supports. This student would likely benefit from home or hospital instruction – the provision of which is often not meaningfully available to students who need it.¹⁰ Similarly, a student who is

chronically absent related to uncontrolled asthma might need assistance addressing unhealthy housing conditions, such as mold or other allergens in their home. Like students who are truant, these chronically absent students need support so they can stay on track academically.

Unfortunately, OSSE's annual reporting does not provide any details on the difference between rates of excused and unexcused absences. There is no way to know from publicly available data, how many chronically absent students were also truant or how many chronically absent students never had an unexcused absence. As a result, it is difficult to know what interventions or supports would be helpful for schools or communities with high rates of chronic absenteeism.

Recommendation Two: Publish Attendance Data Several Times Each Year

If the pandemic taught us anything, it is how quickly the situation on the ground can change and how our education sector must be able to adapt to the needs of the students in front of them. Regarding attendance data, this means that last year's data may no longer apply to the challenges faced by this year's students. However, OSSE's annual attendance report is not released until November 30th of each year – several months after the end of the school year on which it reports. This limits the ability of schools and other community stakeholders to use the data to tailor their attendance interventions to the needs of the current cohort of students. We understand that OSSE started gathering attendance data three times during the school year and it recently published its first mid-

year attendance brief.¹¹ This is a step in the right direction. However, the data in the mid-year brief is at a very high level and does not provide the level of specificity necessary to be useful as a tool for decision making in the short term.

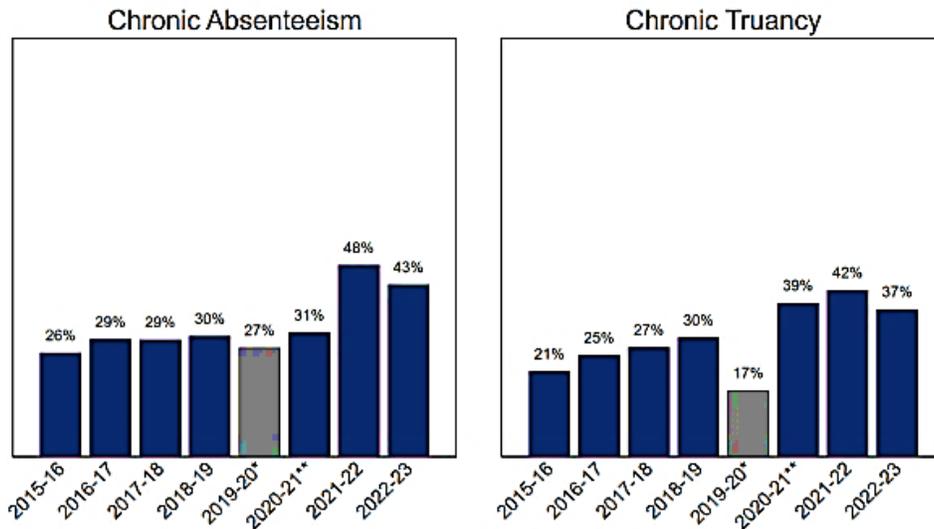
Other jurisdictions have noted the challenges posed by delayed attendance data and have started gathering and sharing relevant data several times throughout the school year. For example, during the pandemic, Connecticut began collecting and publishing attendance data on a monthly basis.¹² These data allow schools “to engage in continual improvement efforts and take timely action to improve student outcomes” and have been used by state leaders “to inform resource allocation.”¹³ For example, more frequent attendance reporting with school- and neighborhood-level data might allow policymakers to monitor how public transportation routing changes are impacting attendance at schools along the affected routes. It might allow District leadership to determine if public safety interventions in a specific community are improving attendance among students who live or go to school in the area. There are innumerable reasons why attendance patterns may change in the middle of a school year and more frequent data reporting would allow various parts of District government to respond nimbly to the needs of different communities.

Quarterly or monthly attendance data reporting would also provide additional insight into attendance trends throughout the school year. For example, schools likely expect spikes in sick days during cold and flu season. However, more precise data about

patterns in sick days during various parts of the school year might influence decision making regarding schedules or curriculum calendars. Currently, OSSE’s annual report hints at the existence of such trends through data on the rates of chronic absenteeism and truancy by month.¹⁴ However, their focus appears to be year-over-year comparisons rather than what drives rate changes throughout the school year.

An example of the possible impact of more frequent reporting can be found by comparing the data for SY19-20 to the prior year. Due to the pandemic, the data reported for SY19-20 ends March 13, 2020. This unique point-in-time metric offers a chance to think more deeply about how students accumulate excused and unexcused absences throughout the school year. In 2019-20, the rate of chronic absenteeism was 27%.

Annual Chronic Absenteeism and Chronic Truancy Rates SY2015-16 - SY2022-23



*Data for SY2019-20 are only through March 13th; data include partial days.
 **Data for SY2020-21 include both remote and in-person learning environments; data include partial days.

Image from Office of the State Superintendent of Education, *District of Columbia Attendance Report 2022-23 School Year*, p. 11

This is – understandably – *slightly* below the rates from previous years. One could assume that the rate would have increased another few percentage points during April, May, and June had schools not closed in March. However, the point-in-time measure of chronic truancy for 2019-20 tells a very different story. By March 13, 2020 only 17% of students had crossed the 10-day threshold for truancy – slightly more than half of the final rate for SY18-19 (30%). Assuming that – without school closures – the truancy rate for SY19-20 would have followed previous years’ trends, this means that almost half of the students who would ultimately cross the 10-day threshold would have done so after March 13th. There are myriad assumptions that could be made from this data, and absent more detailed data from OSSE, we cannot be certain what conclusion to draw. However, the data suggest that nearly half of truant students are attending school regularly through the first three quarters of the school year. These more diffuse absences do not raise the same types of concerns as when students accrue ten or more absences earlier in the school year. With more detailed and more frequent attendance data, DC education stakeholders could make data-driven policy choices about how and when to intervene.

Recommendation Three: Conduct a Root Cause Analysis of Chronic Absenteeism in the District, Especially for Student Groups Known to Miss the Most School

OSSE’s annual attendance reporting identifies several groups of students who consistently miss more school than their peers, but it does not offer any analysis into the root causes of these persistent attendance trends.¹⁵ For example, students with disabilities consistently miss school more than their nondisabled peers.¹⁶ Additional data from OSSE

shows that, among students with disabilities, absenteeism risk varies based on a student's primary disability.¹⁷ OSSE's annual report notes the fact of these data trends but does not identify or analyze any potential underlying cause for the discrepancy.¹⁸ OSSE and LEAs need to know not only *that* students with disabilities miss more school, but also *why* this has been true year after year. Without any causal analysis of these trends, schools can only guess at what interventions may better meet the needs of students with disabilities.

Similarly, OSSE's annual attendance reporting shows that at-risk students are more likely to incur absences compared to their peers.¹⁹ Their barriers to attendance are likely to be numerous and comprise both school- and non-school-based concerns. However, without an analysis of the reasons why at-risk students in specific schools are absent, targeted interventions and supports cannot be developed. While root cause analyses will help the District make high-level resource decisions, the District should not lose sight of the fact that many interventions and supports will need to be student-specific, a point addressed later in this testimony.

DC SHOULD PURSUE EVIDENCE-BASED STRATEGIES TO SUPPORT STUDENT ATTENDANCE

While DC improves its ability to gather data and evaluate the efficacy of existing programming, we can move forward using research regarding best practices to improve school attendance and student engagement. FutureEd and Attendance Works published an Attendance Playbook that details more than two dozen evidence-based strategies for education policymakers and practitioners that "promote conditions that strengthen the

educational experiences of all students: rigorous instruction that is relevant to students' lives; a safe, welcoming school climate; and stronger bonds between students and teachers."²⁰ Among the menu of options recommended by the Attendance Playbook, some are currently available to DC students and communities (e.g., free school meals). Others have previously been available but are facing cuts in the FY25 budget (e.g., housing assistance). None are implemented fully enough to address the complex reasons for pervasive absenteeism (e.g., case management and school-based behavioral health).

To Meet Students' Diverse Needs, DC Must Improve Cross-Agency Coordination and Collaboration

In many cases, schools have closer relationships with students and families than any other government agency. As such, they are best suited to identify the barriers that prevent students from attending school. Schools should be given the tools they need to foster relationships with students, communicate with families, and develop school climates that are welcoming and engaging. Schools should have both the flexibility to implement strategies that address the needs of their school community and the resources necessary to ensure they can implement these strategies with fidelity. However, we also recognize that schools are already bearing much of the responsibility for young people in our communities. And while we believe that schools are often best suited to identify the barriers that their students face, they may not always be best suited to remove or overcome those barriers.

Two bills pending before the Council propose increasing the role of the Parent and Adolescent Support Services (PASS) Intensive Case Management (ICM) program within the Department of Human Services (DHS).²¹ This shift has the potential to improve the District's truancy intervention system in several ways. First, there is a strong correlation between chronic absenteeism poverty – namely housing and food insecurity.²² Because DHS houses the District's public benefits and housing services programs, there is a logical nexus between the Agency's broader body of work and the specific work of removing barriers to attendance faced by DC students and families. Second, the intensive case management model employed by PASS is well-suited to the hard work of identifying a student's barriers to attendance, developing an action plan to overcome those barriers, and providing regular follow-up to ensure that the plan is working. And third, research has shown that referrals to child welfare agencies and juvenile courts cause more harm than good.²³ Therefore, shifting DC's truancy interventions to the human services cluster lessens the potential for harm.

As you consider various attendance proposals, however, we urge the Council, the education sector, and the health and human services agencies to examine ways to improve coordination and collaboration across District government. Current truancy programs are designed to meet specific needs – so simply scaling these programs will not address the myriad causes of absenteeism. Current programs do not work together so

that they can easily refer students to one another's programs or share lessons learned. As such, the impact of these isolated initiatives has been understandably limited.

It is also important to note that there are limits to the impact that case management models like PASS will be able to have unless there are sufficient resources. When housing instability, behavioral health needs, or lack of safe transportation are the underlying cause of a student's absence, for example, there needs to be housing, behavioral health and transportation resources available to which case managers can connect students and their families. Case management is well suited to identifying barriers and developing action plans to move forward, but case management alone will not be able to address the underlying barrier to school attendance.

To Improve Attendance, DC Schools Must Have the Time and Resources to Foster a Sense of Belonging

Among the various tools available to address absenteeism, the importance of a positive and welcoming school climate cannot be overstated. Research shows that when students feel connected to school, they are more likely to attend, more likely to perform well academically, less likely to misbehave and less likely to feel sad and hopeless.²⁴ Dr. Robert Balfanz calls a sense of connection the "closest we have to a universal prevention measure for everything."²⁵ Not only do these relationships improve outcomes for individual students, but research shows that "[s]tudents who perceive their schools climate to be more negative are more likely to attend schools with higher rates of chronic

absence,” and “that as the proportion of students who perceive the school's climate to be “moderate” or “negative” increases, chronic absence rates likewise increase”²⁶

Data on the sense of belonging among DC students is grim. The Panorama Survey conducted annually by DCPS consistently finds that only about half of middle and high school students feel that they are a valued member of their school community.²⁷ Rates were lowest among 9th and 10th grade students, where only 45% responded favorably to questions about their sense of belonging.²⁸ Only 43% of surveyed students reported feeling connected to the adults at their school and only 44% reported feeling like they matter to others at school.²⁹ These data indicate that the majority of DC students do not feel a sense of belonging at their school. Given the link between attendance and belonging, it is not particularly surprising that these disconnected students are not regularly engaged in their education.

The Attendance Playbook published by FutureEd and Attendance Works offers several strategies to strengthen a sense of belonging among students, including engagement with families, student-teacher relationships, culturally relevant curriculum, restorative discipline, positive greetings at the door, among others. Although many DC schools are employing some of these strategies, the Panorama data make it clear that more is needed. Teachers and school staff will need more time to focus on relationship building and family engagement. We recommend creating a fund within OSSE for a

limited number of schools that are motivated to focus on improving school climate in the way that best meets the unique needs of their school community.

To Support Schools, DC Can Offer School Leaders the Chance to Pursue the Tools Most Appropriate for Their School Community

The attendance barriers faced by a particular school community will vary widely based on the grades served, the proximity to public transportation, the socioeconomic diversity of the student body, uniform policies, level of parent and community engagement, neighborhood safety, before- and aftercare options, among countless other factors. Moreover, principals and school leadership teams know their school and student best. They also know their school budgets and are acutely aware of the student needs that they cannot meet with their current school budgets. As such, we encourage the Council and the education sector to create an attendance intervention pilot program similar to the flexible scheduling pilot established by the FY24 Budget Support Act.³⁰ Like with the flexible scheduling pilot, the Council could authorize and fund DCPS and OSSE to establish grant programs that would fund individual schools for the purpose of developing and implementing an attendance intervention intended to meet the needs of their particular student population. This would not only support schools in their efforts to meet the needs of students but could also serve to pilot a variety of attendance interventions. Importantly, in such a pilot program, school leaders would need to be given sufficient flexibility to spend the funds in the way they think best meets the needs of their student population. Through a pilot program, the District could gain valuable

insight about the ability of certain interventions to meet specific needs among DC students. Over time, these insights could be used to scale up those interventions that could effectively support additional schools and communities. We encourage the Council to work with the education sector to determine the level of funding and eligibility that would be most appropriate for a pilot program of this nature.

DC SHOULD IMPROVE EXISTING ATTENDANCE INTERVENTIONS AND SUPPORTS

In addition to better data reporting and cross-government coordination, the District must improve its implementation of existing interventions and supportive programming. First, we recommend changes to use of school-based student support teams (SST) to ensure that they are conducted with fidelity and are targeted to support students with the most acute attendance needs. Second, we urge the Council to adequately fund the School-Based Behavioral Health (SBBH) program to ensure it can meet the needs of as many students as possible.

Ensure Meaningful Implementation of Student Support Teams

Children’s Law Center knows that addressing each students’ specific barriers to attendance is the best way to ensure they attend school. For this reason, we have long supported more robust investment in Student Support Teams (SSTs)³¹ – but we know that the current rate of absenteeism makes full implementation impossible. 5A DCMR § 2103 requires schools to refer any student having “accumulated five (5) full day unexcused absences in one (1) marking period or other similar time frame... to a school-based

student support team.”³² The SST is required to meet within five school days of the referral “*and regularly thereafter*” to review the student’s attendance, determine barriers to attendance, communicate and collaborate with various stakeholders, and develop and implement an action plan.³³ However, in our experience, insufficient resources have led to SST meetings that are brief and superficial – just another box to check. This individualized and collaborative model is well-suited to the realities of attendance barriers that are often unique to a particular student and their families’ circumstances. However, the time and resource investments are significant. As such, SSTs cannot be managed by existing school personnel who are often already overburdened and who do not have dedicated bandwidth to focus on personalized attendance interventions.

In SY22-23, nearly 20,000 students met the threshold for an SST meeting.³⁴ We cannot reasonably expect schools to convene robust SST meetings and provide meaningful case management for this many students without investing significant resources for expanded capacity. To be impactful, SSTs need time to build relationships with students and families, to identify a student’s barriers, to develop an action plan, and to provide regular follow up to determine if the plan is working.

In addition to providing schools with additional resources to ensure SSTs are being conducted with fidelity, we recommend three key ways to improve implementation and efficacy of this intervention – narrowing the population of students served, reducing the number of school staff required, and improving data collection.

Recommendation One: Use SSTs to Support Students with Acute Attendance Concerns

First, we recommend narrowing the population of students served by SSTs to ensure that this intensive intervention is targeting students with the highest concentration of absences. Currently, the regulations require schools to refer any student having “accumulated five (5) full day unexcused absences in one (1) marking period or other similar time frame” to an SST.³⁵ However, DCPS’s Attendance and Truancy Policy states that they will hold a Student Attendance Conference (SAC) when a student reaches “5 cumulative full-day unexcused absences.”³⁶ The DCPS policy is more expansive than the regulation and gives no consideration for the time period across which a student has accumulated those five absences. There should be a different level of concern and thus urgency of response for a student who accrues five unexcused absences by Thanksgiving than for one who crosses that threshold in March.

For students who miss five school days across several months of the school year, there may not be the types of attendance barriers that require the high level of support and follow-up that we expect from an SST. Maybe one day in September they slept through their alarm. Once or twice, they missed their bus and decided to turn around and go home. In January they attended an athletic competition that was not school sponsored. These things happen and are not indicative of persistent barriers to attendance. If implemented with fidelity, the intensive support and follow-up provided

by SSTs would be better suited to students facing ongoing barriers that continually interfere with school attendance.

Recommendation Two: Staff SSTs with Those Best Able to Support Students' Needs

Second, we recommend altering the composition of SST membership to lessen the burden on school staff and ensure the team is best suited to support the student. Presently the regulations state that SST should include “a general education teacher, a school nurse, psychologist, counselor, and/or social worker, if applicable, and a school administrator with decision-making authority.”³⁷ While we support the premise of a multi-disciplinary team that can bring different fields of expertise, the inclusion so many school staff may be too burdensome. Ultimately, the SST ought to include someone with knowledge of attendance issues and the various supports available and someone who has an established relationship with the student. This might be a current teacher, a former teacher, an athletics coach, or a counselor, among others. Their title is less important than the relationship they have with the student. Moreover, this person may not even need to be an employee of the school. Several schools across the District work with Community Based Organizations (CBOs) to address attendance concerns in their school community.

Recommendation Three: Improve SST Data Collection and Reporting

In addition to the important support they could offer to students, a robust system of SSTs could produce important data to inform attendance policy and practice going

forward. D.C. Code § 38-203(i)(A-i)(i)-(v) requires LEAs to report extensive information about the work of their school-based student support teams – including:

- “(i) The number of students who were referred to a school-based student support team;
- “(ii) The number of students who met with a school-based student support team;
- “(iii) A summary of the action plans and strategies implemented by the school-based student support team to eliminate or ameliorate unexcused absences; and
- “(iv) A summary of the services utilized by students to reduce unexcused absences;
- “(v) A summary of the common barriers to implementing the recommendations of the school-based student support team;”³⁸

Moreover, 5A DCMR § 2103.3 states, “In addition to the report required at the end of each school year pursuant to DC Code § 38-203(i), an educational institution shall provide to OSSE, upon request, student-level data and records evidencing the work of school-based student support teams.”³⁹ However, none of OSSE’s attendance reports have published or analyzed this information. It is unclear whether this is because the data are not collected by LEAs, not requested by or shared with OSSE, or simply not included in OSSE’s annual reporting. Regardless, without this information, it is nearly impossible to know what SSTs have tried, how effective their efforts have been, and what should be improved. We urge the Committee to use its oversight role to ensure that LEAs and OSSE are gathering and publishing this critical information so that it can be used to inform future work in this space.

Ensure Sufficient Funding for the School Based Behavioral Health Program

We are in the midst of a youth mental health crisis.⁴⁰ Even before the COVID-19 pandemic, an estimated one in five DC children had a mental, emotional, developmental, or behavioral problem.⁴¹ Nearly half (47%) of DC's children have had adverse childhood experiences (ACEs), such as being exposed to abuse or unmet basic needs, which can negatively impact their well-being and behavior.⁴² The 2021 Youth Risk Behavioral Survey (YRBS) revealed that 28% of DC middle school students and 18.3% of high schoolers said they have seriously thought about killing themselves.⁴³

Moreover, recent research has shown that students with behavioral health challenges miss more school than their peers and that absences due to behavioral health issues account for more than 10% of all absences.⁴⁴ Locally, DCPS reports that “student health, including student mental health and COVID concerns or diagnoses, is the most common barrier to regular attendance cited during [Student Attendance Conferences].”⁴⁵ One way to address the intersection of school engagement and behavioral health needs is to integrate systems of care.⁴⁶ To do so, the Council, the education sector, and the Department of Behavioral Health (DBH) established and expanded the School-Based Behavioral Health (SBBH) program to place a mental health clinician in every school.

The goal of the SBBH program is to ensure students in every DC public school have access to the full range of behavioral health services. The Multi-Tier System of Supports model (MTSS) is administered by a licensed clinical social worker or therapist

and funded by DBH through community-based organizations (CBO). Tier 1 and Tier 2 programming look like school-wide skill-building or group sessions on special topics like conflict resolution, emotional intelligence, bullying, suicide prevention, coping mechanisms, and self-care.⁴⁷ Tier 3 services are one-on-one therapy for those with the most acute needs and includes the ability to bill insurance for these clinical interventions. Importantly, both the school-wide and one-on-one services address root causes of students' disengagement and absenteeism.⁴⁸

Where staff are in place, and referrals are made, recent surveys of students, caregivers, school staff and coordinators show high satisfaction with services. "Many school staff who reported referring students for behavioral health services believed the students benefited from treatment services in several ways such as decreased behavior incidents and improved symptoms."⁴⁹ However, more is needed. About half of the students surveyed for a program evaluation were not confident about where to go for help. Caregivers were frustrated by the lack of marketing and transparency about available services. Students would also like better support for well-being after negative events. As one said in 2022, "one time we were promised a schoolwide session where we can express our mental grief with a school lockdown, and we never got it."⁵⁰

Despite the growing need for SBBH and persistently high rates of school disengagement, the Mayor's proposed FY25 budget includes significant cuts to SBBH.⁵¹ A fully staffed program is foundational for success. As such, we urge the Council to

reverse the Mayor's cuts and to ensure that the SBBH program has adequate funding to attract and retain qualified clinicians and maintain students' access to all three tiers of service. Investments in behavioral healthcare are investments in truancy reduction. Therefore, we strongly urge the Council to find \$6,155,587 to increase CBO grants for the SBBH program to ensure it can meet the needs of as many students as possible.⁵²

REFERRALS TO CFSA ARE AN INEFFECTIVE STRATEGY TO IMPROVE SCHOOL ATTENDANCE

While there may not be a one-size-fits-all solution to absenteeism, there are certain tools that we know are ineffective at improving attendance and pose risk of harm to DC children and families. This is informed not only by CLC's decades of experience representing child involved in the child welfare system, but by research showing that referrals to child welfare agencies and juvenile courts cause more harm than good.⁵³ As the Council considers various tools to address absenteeism and student disengagement in the District, we strongly urge to avoid any expansion of the role of DC's Child and Family Services Agency (CFSA).

The child welfare system is not the "all-purpose agency" that many envision it to be.⁵⁴ The primary function of child welfare agencies like CFSA is to receive and investigate reports of child abuse or neglect and, when necessary, to provide safe out-of-home care for a child removed from their family.⁵⁵ Although CFSA may be able to refer families with attendance concerns to other services and programs (if schools provide sufficient information and detail in their referral), the Agency does not provide direct

services to families facing attendance barriers related to housing or food insecurity, unreliable or unsafe public transportation, inadequate behavioral healthcare, or unsafe neighborhoods. For example, if a student is disengaged from school because they are several years behind grade level in reading, there is nothing CFSA can do to remedy the underlying concern. If a student is missing school due to mental or physical health concerns, CFSA is not the right agency to support the family in seeking medical treatment. CFSA does not manage Safe Passage or improve school climates or provide families with safe housing. CFSA is not the right agency to help families overcome the barriers to their student's school attendance.

In the decade since passage of the Attendance Accountability Act, which codified our current system of attendance-related child welfare referrals, CFSA has not been an effective tool in improving attendance. In that time, the District has not seen any improvement in rates of chronic absenteeism or truancy – in fact, both have steadily increased year over year.⁵⁶ Moreover, students in CFSA's care consistently miss more school than their peers who are not in care. In SY22-23, 54% of students in CFSA's care missed at least 10% of the school year⁵⁷ and were nearly three times more likely to face profound chronic absenteeism.⁵⁸ At Children's Law Center, we see similar trends among the children and youth in foster care with whom we work. Among our school age clients, approximately 47% missed ten or more school days in SY22-23. These local trends are

substantiated by national research which finds no evidence that punitive responses to absenteeism work to improve student attendance.⁵⁹

In addition to being an ineffective tool to address absenteeism, referrals to child welfare pose a risk of harm to DC students and families. Any contact with CFSA, even an investigation where allegations are not substantiated, can be traumatic and damaging for children and families.⁶⁰ The vast majority of children who miss 10 days of school over the entire school year are experiencing neither a threat to their health or safety nor educational neglect.⁶¹ Additionally, the resources spent on reviewing and responding to the large number of referrals limits the ability of CFSA to reach children who are experiencing unsafe circumstances which require the type of intervention that CFSA is best equipped to provide. Referring every child who misses ten days of school over the course of a school year casts too wide a net. This overbroad identification process poses harm to DC children and families. It poses undue harm on families facing real barriers to regular school attendance and, it limits CFSA's ability to identify and intervene in cases where a child is experiencing abuse or neglect.

Because CFSA referrals have not worked to improve attendance rates in the District and can cause real harm to students and families, we urge the Council to avoid expanding the role of CFSA in truancy reduction. Instead, we encourage the Council and DC's education sector to pursue strategies that identify the root causes of absenteeism

and connect students and families to interventions and supports that are tailored to the unique needs of the individual student and family.

CONCLUSION

Several important changes are necessary to make a meaningful improvement in school attendance rates. These changes will require investments at the student, school and system level. To identify and remove attendance barriers for individual students, schools and intervention programs must have specific, timely data and robust resources to meet the diverse needs of DC's children and families. The District's systems of support must better coordinate and collaborate across government agencies and Council committees to ensure that students and families have timely access to appropriate resources. Mostly importantly, while we do the hard work of building a system that can meet the needs of each individual student, we must ensure that DC's laws and policies do not impose additional harm on those we are trying to support.

Thank you for this opportunity to testify.

¹ See Brian Jacobs & Kelly Lovett, Youth Policy Lab, University of Michigan, *Chronic Absenteeism: An Old Problem in Search of New Answers*, p 3 (March 2019), available at:

<https://youthpolicylab.umich.edu/uploads/chronic-absenteeism-policy-brief-.pdf> (citing Allensworth, E. & J. Easton, 2008. What Matters for Staying On-Track and Graduating in Chicago Public High Schools: A Close Look at Course Grades, Failures, and Attendance in the Freshman Year. Consortium on Chicago School Research, July 2008).

² See *id.* (citing Baltimore Education Research Consortium. 2011. Destination Graduation: Sixth Grade Early Warning Indicators for Baltimore City Schools: Their Prevalence and Impact).

³ Robert Balfanz & Vaughan Byrnes, Everyone Graduates Center, Johns Hopkins School of Education, *Meeting the Challenge of Combatting Chronic Absenteeism: Impact of the NYC Mayor’s Interagency Task Force on Chronic Absenteeism and School Attendance and Its Implications for Other Cities*, p. 5 (2013), available at: <https://www.attendanceworks.org/wp-content/uploads/2017/09/NYC-Chronic-Absenteeism-Impact-Report-Nov-2013.pdf>.

⁴ See Christopher A. Kearney, et al., *School attendance problems and absenteeism as early warning signals: review and implications for health-based protocols and school-based practices*, 8 *Frontiers in Educ.* (August 30, 2023), available at: <https://www.frontiersin.org/articles/10.3389/educ.2023.1253595/full>.

⁵ Categories of valid excused absences are codified at 5-A DCMR § 2102.2 and include: illness or other bona fide medical cause (including medical or dental appointments), death in the student’s family, need to attend judicial or administrative proceedings, religious observances,

⁶ This is not a comprehensive list. We compiled this list of reasons for excused absences from several sources including: Children’s Law Center’s anecdotal experience representing tens of thousands of DC children and families over the past 25 years and from D.C. Policy Center, 2022-2023 State of D.C. Schools: Challenges to pandemic recovery in a new normal, p. 30-31, 33, 36 (March 8, 2024), available at: <https://www.dcpolicycenter.org/wp-content/uploads/2024/02/State-of-D.C.-Schools.pdf>.

⁷ Kathryn Van Eck, et al., *How school climate relates to chronic absence: A multi-level latent profile analysis*, 61 *J. SCH. PSYCHOLOGY* 89, 90 (2017), available at: <https://www.attendanceworks.org/wp-content/uploads/2018/04/How-School-Climate-relates-to-chronic-absence-attendance-works-1-s2.0-S0022440516300607-main.pdf>

⁸ Attendance Works, *Monitoring Who Is Missing Too Much School: A Review of State Policy and Practice in School Year 2021-22*, at 7 (June 2022), available at: https://www.attendanceworks.org/wp-content/uploads/2019/06/Attendance-Works-State-Policy-Analysis-2022_061422.pdf

⁹ See Office of the State Superintendent of Education, *District of Columbia Attendance Report 2022-23 School Year*, p. 5 (November 30, 2023), available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2022-23%20Attendance%20Report_FINAL_0.pdf.

¹⁰ See Danielle Robinette, Testimony before the DC Council Committee of the Whole, (November 30, 2023), available at: <https://childrenslawcenter.org/resources/testimony-committee-of-the-whole-public-hearing/>

¹¹ See Office of the State Superintendent of Education, *2023-24 Mid-Year Attendance Brief*, (March 29, 2024), available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/Mid-Year%20Attendance_1_Pager%203_29_2024.pdf.

¹² See Attendance Works, *Monitoring Who Is Missing Too Much School: A Review of State Policy and Practice in School Year 2021-22*, p. 6 (June 2022), available at: https://www.attendanceworks.org/wp-content/uploads/2019/06/Attendance-Works-State-Policy-Analysis-2022_061422.pdf

¹³ *Id.*

¹⁴ See, e.g., OSSE, *District of Columbia Attendance Report: 2022-23 School Year*, *supra* note 9, p. 12-13.

¹⁵ See, e.g., *id.*, Appendix B, p. 38-44.

¹⁶ See *id.*, at 38, 41.

¹⁷ See Office of the State Superintendent of Education, *District of Columbia Attendance Report: 2018-19 School Year*, p.24 (November 30, 2019), available at:

<https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2018-19%20School%20Year%20Attendance%20Report.pdf>

¹⁸ See *id.*

¹⁹ See OSSE, *District of Columbia Attendance Report: 2022-23 School Year*, *supra* note 9, Appendix B, p. 38-40.

²⁰ Phyllis Jordan, FutureEd & Attendance Works, *Attendance Playbook Smart Strategies for Reducing Student Absenteeism Post-Pandemic*, (May 2023), available at: <https://www.future-ed.org/wp-content/uploads/2023/05/Attendance-Playbook.5.23.pdf>

²¹ See B25-0758, Showing Up for Students Amendment Act of 2024; B25-0791, Utilizing Partnerships and Local Interventions for Truancy and Safety (UPLIFT) Amendment Act of 2024.

²² See OSSE, *District of Columbia Attendance Report: 2022-23 School Year*, *supra* note 9, p. 40-41, Appendix B, Figure C.3 (showing higher rates of chronic absenteeism and truancy among students who are TANF/SNAP eligible) and Figure C.5 (showing higher rates of chronic absenteeism and truancy among students experiencing homelessness).

²³ See Casey Family Programs, *Issue Brief: How does investigation, removal, and placement cause trauma for children?* (Updated May 2018), available at: https://www.casey.org/media/SC_Investigation-removal-placement-causes-trauma.pdf; see also Josh Weber & Rebecca Cohen, The Council of State Governments Justice Center, *Rethinking the Role of the Juvenile Justice System: Improving Youth's School Attendance and Educational Outcomes*, at 9-10 (September 2020), available at: https://csgjusticecenter.org/wp-content/uploads/2020/09/CSG_RethinkingtheRoleoftheJuvenileJusticeSystem_15SEPT20.pdf (finding that “youth’s juvenile justice involvement was not associated with improvement in their school attendance. Instead, youth who became involved with the juvenile justice system missed, on average, five additional days of school—a statistically significant difference”).

²⁴ See Matthew Stone, ‘A Universal Prevention Measure’ That Boosts Attendance and Improves Behavior, EDUCATION WEEK (April 14, 2024), available at: <https://www.edweek.org/leadership/a-universal-prevention-measure-that-boosts-attendance-and-improves-behavior/2024/04>

²⁵ *Id.*

²⁶ Van Eck, et al., *How school climate relates to chronic absence*, *supra* note 7, p. 98.

²⁷ See Panorama Education, Results for District of Columbia Public Schools, *Panorama Student 6-12 Survey, how did students perceive their own social emotional skills?, "Sense of Belonging,"* (Fall 2023), available at: https://secure.panoramaed.com/dcps/understand/3531317/survey_results/25804556#/questions/topics/18654

²⁸ *Id.*, Under “How did different groups respond?,” filtered results by “Student Grade Level.”

²⁹ *Id.*, Under “How did students respond to each question?,” responses to “How connected do you feel to the adults at your school?” and “How much do you matter to others at this school?”

³⁰ See DC Code § 38-174.02, as added by DC Law 25-50, § 4182, 70 DCR 10366. See also DC Code § 38-2617, as added by DC Law 25-50, § 418(b), 70 DCR 10366.

³¹ See, e.g., Danielle Robinette, Children’s Law Center, Testimony before the District of Columbia Council Committee of the Whole, Performance Oversight Hearing, (March 1, 2023), *available at*: https://childrenslawcenter.org/wp-content/uploads/2023/02/CLC_Education-Agencies_PerformanceOversightTestimony_Final.pdf; Danielle Robinette, Children’s Law Center, Testimony before the District of Columbia Council Committee of the Whole, (March 11, 2022), *available at*: https://childrenslawcenter.org/wp-content/uploads/2022/03/CLC-Testimony_Mar-11-Attendance-Hearing_Final.pdf; Danielle Robinette, Children’s Law Center, Testimony before the District of Columbia Council Committee of the Whole, (November 30, 2022), *available at*: https://childrenslawcenter.org/wp-content/uploads/2022/11/CLC-Testimony_COW-Roundtable_Attendance-Absenteeism-and-Truancy_FINAL.pdf

³² 5A DCMR § 2103(c).

The term “Student Support Team” or “SST” is drawn from the South Capitol Street Memorial Act of 2012 § 302, codified at DC Code § 38-201(3B). A recent presentation at a recent presentation before the Every Day Counts! Taskforce, the Office of the Deputy Mayor for Education noted an effort to rebrand SSTs as “Student Attendance Conferences (SACs).” For the purposes of this testimony, we will use SST, but we acknowledge the potential change in terminology.

³³ 5A DCMR § 2103.2(c)(3) (emphasis added).

³⁴ Compare Chancellor Lewis D. Ferebee, District of Columbia Public Schools, Pre-Hearing Responses submitted to District of Columbia Council Committee of the Whole, p. 1 (December 10, 2023), *available for download at*: <https://lims.dccouncil.gov/Hearings/hearings/171> with DC Public Charter School Board, *Attendance and Discipline Report SY 2022-23*, p. 17 (August 2023), *available at*: https://dcpcs.org/sites/default/files/media/file/%5BCORRECTED%209_5_23%20council_submission%5D%20SY22-23%20DC%20PCSB%20South%20Capital%20Street%20Truancy%20Report.pdf

³⁵ 5A DCMR § 2103.2(c)(3).

³⁶ District of Columbia Public Schools, *Attendance and Truancy Policy*, p. 5 (Effective October 28, 2022), *available at*: <https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/Attendance%20Policy%20SY%2022-23.pdf>

³⁷ 5A DCMR § 2103.4(c).

³⁸ D.C. Code § 38-203(i)(A-i)(i)-(v)

³⁹ 5A DCMR § 2103.3.

⁴⁰ See, e.g., Matthew Stone, “Why America Has a Youth Mental Health Crisis, and How Schools Can Help,” EDUCATION WEEK (October 16, 2023), *available at*: <https://www.edweek.org/leadership/why-america-has-a-youth-mental-health-crisis-and-how-schools-can-help/2023/10>

⁴¹ Children’s Law Center, *A Path Forward – Transforming the Public Behavioral Health System for Children and their Families in the District*, (Dec. 2021) *available at*: https://childrenslawcenter.org/wp-content/uploads/2021/12/BHSystemTransformation_Final_121321.pdf.

⁴² *Id.*, at 10.

⁴³ In addition to increased suicidality, the 2021 DC Youth Risk Behavior Survey (YRBS) revealed that about 12% of middle and high school students had taken prescription pain medicine without a prescription. Over 19% of middle school students and over 25% of high schoolers reported that their mental health was not good most of the time, or always (including stress, anxiety, and depression). One-fifth (20%) of high school students went without eating for 24 hours or more to lose weight or to keep from gaining weight. In the general population, only 20% of children with a behavioral health disorder will ever receive care from a specialized provider. The unmet need is worse for children of color. See OSSE, *2021 DC YRBS Middle School Trend Analysis Report*, QN29, p. 8, QN62, p. 17, *available at*:

https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2021DCBM%20Trend%20Report.pdf; OSSE, 2021 DC YRBS High School Trend Analysis Report, QN49, p. 14, QN106, p. 32, available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2021DCBH%20Trend%20Report.pdf; American Academy of Child and Adolescent Psychiatry, *Best Principles for Integration of Child Psychiatry into the Pediatric Health Home*, (June 2012), available at: https://www.aacap.org/App_Themes/AACAP/docs/clinical_practice_center/systems_of_care/best_principles_for_integration_of_child_psychiatry_into_the_pediatric_health_home_2012.pdf; Vikki Wachino, et al., *The Kids Are Not All Right: The Urgent Need to Expand Effective Behavioral Health Services for Children and Youth*, USC-Brookings Schaeffer on Health Policy (December 22, 2021), available at: <https://www.brookings.edu/blog/usc-brookings-schaeffer-on-health-policy/2021/12/22/the-kids-are-not-all-right-the-urgent-need-to-expand-effective-behavioral-health-services-for-children-and-youth/>.

⁴⁴ See Christopher A Kearney, et al., School Attendance Problems and Absenteeism as Early Warning Signals: Review and Implications for Health-Based Protocols and School-Based Practices, 8 *Frontiers in Educ.*, at 4 (August 30, 2023), available at: <https://www.frontiersin.org/articles/10.3389/feduc.2023.1253595/full> (citing David Lawrence, et al., Impact of Mental Disorders on Attendance at School, 63.1 *Austl. J. of Educ.* 5 (March 14, 2019), available at: <https://journals.sagepub.com/doi/full/10.1177/0004944118823576>).

⁴⁵ Cinthia Ruiz, Chief Integrity Officer, District of Columbia Public Schools, testimony before DC Council’s Committee of the Whole, at 3 (December 12, 2023), available for download at: <https://lims.dccouncil.gov/Hearings/hearings/171>.

⁴⁶ See Kearney, et al., *School attendance problems and absenteeism as early warning signals*, *supra* note 4, p. 9.

⁴⁷ Strengthening Families through Behavioral Health Coalition, *How Does School-Based Behavioral Health Work?*, available at: <https://www.strengtheningfamiliesdc.org/how-does-sbbh-work>.

⁴⁸ See Riley J Steiner & Catherine N. Rasberry, *Brief report: Associations between in-person and electronic bullying victimization and missing school because of safety concerns among U.S. high school students*, 43 *J. Adolescence* (August 2015), available at: <https://www.sciencedirect.com/science/article/abs/pii/S0140197115000998?via%3Dihub> (finding that “[c]ollaborations between health professionals and educators to prevent bullying may improve school attendance.”); see also, Libby Stanford, *Students Are Missing School Because They’re Too Anxious to Show Up*, EDUCATION WEEK (October 6, 2023), available at: <https://www.edweek.org/leadership/students-are-missing-school-because-theyre-too-anxious-to-show-up/2023/10#:~:text=Sixteen%20percent%20of%20students%20who,sad%20or%20depressed%20to%20attend> (finding that 16% of students absent for reasons other than physical illness said they didn’t attend because of anxiety, and 12% said they felt too sad or depressed to attend.)

⁴⁹ DBH Coordinating Council on School Behavioral Health slides, presented May 15, 2023, on file with the Children’s Law Center.

⁵⁰ School Behavioral Health Expansion Evaluation, *Summary of Findings from SY 2021-2022: Providing Multi-tiered Support for Behavioral Health*, Child Trends and DC Department of Behavioral Health, 2023, obtained via the Freedom of Information Act.

⁵¹ See Mayor’s Proposed FY 2025 Budget and Financial Plan, Volume 6 Operating Appendices, Department of Behavioral Health (RM0), Schedule 30-PBB, p. E-27.

⁵² Community-Based Organizations (CBOs) employ SBBH clinicians and supervisors through DBH grants. At current the current level, SBBH clinicians make below the 10th percentile of salaries for clinical social workers in the DC market. To operate sustainably, CBOs require at least \$98,465 per CBO clinician – a base salary of at least \$74,033, plus fringe, overhead, and supervision costs. The Mayor’s FY25 budget proposes to give CBOs only \$80,819 per clinician in FY25 - \$17,645 less than required.

To learn more about the SBBH Program, see <https://bit.ly/SBBHFactSheet>. For questions and more information, contact Amber Rieke at arieke@childrenslawcenter.org.

⁵³ See Casey Family Programs, *Issue Brief: How does investigation, removal, and placement cause trauma for children?* (Updated May 2018), available at: https://www.casey.org/media/SC_Investigation-removal-placement-causes-trauma.pdf; see also Josh Weber & Rebecca Cohen, The Council of State Governments Justice Center, *Rethinking the Role of the Juvenile Justice System: Improving Youth's School Attendance and Educational Outcomes*, at 9-10 (September 2020), available at: https://csgjusticecenter.org/wp-content/uploads/2020/09/CSG_RethinkingtheRoleoftheJuvenileJusticeSystem_15SEPT20.pdf (finding that “youth’s juvenile justice involvement was not associated with improvement in their school attendance. Instead, youth who became involved with the juvenile justice system missed, on average, five additional days of school—a statistically significant difference”).

⁵⁴ Dorothy Roberts, TORN APART: HOW THE CHILD WELFARE SYSTEM DESTROYS BLACK FAMILIES – AND HOW ABOLITION CAN BUILD A SAFER WORLD, 168 (2022) (citing Kelley Fong, *Getting Eyes in the Home: Child Protective Services Investigations and State Surveillance of Family Life*, 84.4 AM. SOCIOLOGICAL REV. 610, 620 (Aug. 2020)).

⁵⁵ Child and Family Services Agency, “About CFSA,” available at: <https://cfsa.dc.gov/page/about-cfsa>

⁵⁶ See OSSE, *District of Columbia Attendance Report: 2022-23 School Year*, *supra* note 9, p.11, Figure 1.

⁵⁷ See *id.*, p. 42 (percentage calculated by adding percentages for moderate, severe, and profound chronic absence).

⁵⁸ See *id.* (calculated by dividing the rate of profound chronic absence for students under care of CFSA by that for students not under the care of CFSA).

⁵⁹ Phyllis Jordan & Hedy Chang, *State Strategies for Fighting Chronic Student Absenteeism* (August 23, 2023), available at: <https://www.future-ed.org/state-strategies-for-fighting-chronic-student-absenteeism/>

⁶⁰ See Casey Family Programs, *Issue Brief*, *supra* note 53.

⁶¹ See Office of the State Superintendent of Education, FY2022 Performance Oversight Responses, response to Q20, available at: https://dccouncil.gov/wp-content/uploads/2023/02/CFSA-FY22-Performance-Oversight-Hearing-Pre-Hearing-Responses-to-Questions_2-17-2023-FINAL-1.pdf.