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Testimony Before the District of Columbia Council
Committee on the Judiciary & Public Safety
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Introduction

Good morning, Chairwoman Pinto, members of the Committee, and staff. My name is Danielle Robinette. I am a Senior Policy Attorney at Children's Law Center and a former public school teacher. 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 about the FY25 budget for the Office of the Attorney General (OAG). 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 who are fighting for their child's right to access special education services. Through our *Guardian ad litem* project, our clients in foster care face myriad challenges accessing and engaging with their education. Our testimony and recommendations today arise from our experience representing students who are often furthest from opportunity.

We know that public education is a priority for this Council, and we have been glad to see a renewed focus on the issues of student disengagement and barriers to regular school attendance. Additionally, we know that the Council is facing budget cuts at a scale not seen since the Great Recession.¹ These competing realities require difficult tradeoffs. In the realm of absenteeism and student disengagement, these tradeoffs have manifested as cuts to some truancy programs in exchange for expansion at others. However, cuts to existing programs will mean an absence of services during the transition period. To provide continuity in truancy reduction services, we strongly urge the Committee to ensure that OAG's attendance programs are able to continue their work in FY25. Further, recognizing the fiscal constraints of the current budget, we urge the Committee to avoid investments in ineffective tools to address attendance. OAG has long served as a leader in the work of supporting students facing barriers to attendance. We hope the Committee will support OAG's long-standing approach that prioritizes proactive supports and uses prosecution only as a last resort.

The Committee Must Ensure OAG's Attendance Programs Can Continue Supporting Students and Families

In December, the Committee of the Whole held a hearing dedicated to the issue of school attendance and student engagement.² In that hearing, witnesses explained that students disengage from school when their needs are not being met.³ These needs are unique to individual students and their family circumstances. To meet such diverse

needs, the Committee must ensure sufficient funding for both the education sector and the District agencies that provide support to DC students and schools.

Specifically, we want to highlight the work that OAG does to support students and families in overcoming barriers to regular school attendance. In 2019, OAG established Addressing Truancy Through Engagement and Negotiated Dialogue (ATTEND) as a pre-charging diversion program with the goal of “address[ing] the underlying issues causing the chronic absences and avoid[ing] criminal prosecution of the parents.”⁴ In the first 90-days of the ATTEND program, OAG conducted 22 conferences and reached agreements 100 percent of the time.⁵ In the years since, ATTEND has expanded to eight schools and has worked with 272 families and 389 children.⁶

In OAG’s budget, truancy reduction funding lies in the Juvenile Section within the Public Safety Division.⁷ While the Juvenile Section line item notes an increase of \$180,000 in FY25, the budget books do not provide the level of specificity necessary to determine whether any changes are proposed to the funding of the truancy work within that line.⁸ However, based on discussions with OAG, it is our understanding that they are seeking \$260,000 to expand ATTEND to three additional schools in FY25. We encourage the Committee to fund this modest investment in deeply important work.

As the Committee – and the Council as a Whole – considers various proposals for how to improve student attendance, Children’s Law Center supports efforts to take a more strategic and coordinated approach to the District’s truancy reduction work. For

example, two pending bills propose increasing the role of Parent and Adolescent Support Services (PASS) Intensive Case Management (ICM) program within the Department of Human Services (DHS).⁹ 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.¹⁰ 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.¹¹ Therefore, shifting DC's truancy interventions to the human services cluster lessens the potential for harm.

The Mayor's proposed budget includes nearly \$7 million increase in funding to the Parent and Adolescent Support Services (PASS) Intensive Case Management (ICM) program at DHS. However, during the budget oversight hearing for DHS, Director Zeilinger explained that this expansion would likely not be implementable in the coming school year. Not only would the new funds not be available to DHS until October 1, 2025 – after the start of the 2025-2026 school year – but that it would take time for PASS to hire

and onboard new staff.¹² While we understand this timeline, we are concerned about an absence of supportive services during the transition process. For example, within the Office of Victim Services and Justice Grants (OVSJG) the Mayor's proposed budget zeroes out the truancy reduction grants line item.¹³ With no allocation for truancy reduction grants, OVSJG will not be able to continue the Show Up, Stand Out (SUSO) program.¹⁴ By defunding of existing programs to fund the expansion at DHS the District risks a dearth of truancy interventions and supports in the short run. We urge the Committee to ensure that existing programs that address attendance barriers – like ATTEND and SUSO – are maintained while DHS works to expand their capacity.

The Council Should Avoid Investments in Ineffective Tools for Addressing Attendance Concerns

Former Attorney General Racine recognized that “prosecuting children or their parents long after children have started missing school is not a particularly effective means of improving attendance.”¹⁵ Under his leadership, OAG “shifted to using prosecution as a last resort, and OAG now looks for proactive approaches to reduce truancy—approaches that address the actual barriers that are causing kids to miss school.”¹⁶ This strategy is consistent with trends seen across the country where jurisdictions are moving away from punitive attendance policies in favor of systems that offer wraparound services to students facing barriers. A national review of attendance-related legislation found that:

“With no evidence that punishing students for missed days leads to better attendance, some states are scaling back their punishments and moving toward more holistic approaches to reducing absenteeism. Texas, which in the past treated truancy as a criminal offense, decriminalized it in 2015 and required districts to provide behavior improvement plans, school-based community service, or counseling referrals. Ohio in 2016 required districts to provide truancy intervention plans. California in 2020 made it harder to send truant students to juvenile court.”¹⁷

Research shows that using the juvenile justice system to address absenteeism does not improve school attendance. In fact, a recent study found that “youth who became involved with the juvenile justice system missed, on average, five additional days of school—a statistically significant difference.”¹⁸ We urge the Committee to resist any impulse to return to old methods that we know do not work to improve attendance.

Moreover, research has shown that referrals to child welfare agencies and juvenile courts cause more harm than good.¹⁹ Any contact with CFSA, even an investigation where allegations are not substantiated, can be traumatic and damaging for children and families.²⁰ 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.²¹ 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.

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 year²² and were nearly three times more likely to face profound chronic absenteeism.²³ 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. Considering both the potential harm that a child welfare investigation can inflict on a family and the concerning attendance data for students under the care of CFSA, we urge the Council to move away from this ineffective response to absenteeism in favor of a system that can better support students and families in overcoming barriers to attendance.

Conclusion

While proposed cuts may balance the budget books, they run the risk of destabilizing the limited programming that is currently available. Children's Law Center sees firsthand how losing one service can have a cascading effect for clients. Across the government, the Mayor's budget proposes cuts to programs that support economically disadvantaged students²⁴ – a group that comprises more than 50% of DC students.²⁵ OSSE reports that these students are more than twice as likely to be chronically absent or truant.²⁶ Even before the pandemic, rates of absenteeism and truancy were at least 20 percentage points higher among students experiencing housing or food insecurity than their peers who are not economically disadvantaged.²⁷ To address chronic absenteeism

and student disengagement, the Council will need make smart investments in programs that are best suited to support DC students and families while also ensuring that existing supports are not lost during the transition period.

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

¹ Yesim Sayin, *In Fiscal Year 2025, The District of Columbia Is Facing Tough Choices. Without Making Difficult Decisions Now, Future Years Will Only Get Harder.*, D.C. Policy Center, April 2, 2024, available at: <https://www.dcpolicycenter.org/publications/fiscal-year-2025-dc-facing-tough-choices/>.

² Chairman Phil Mendelson, Council of the District of Columbia, Committee of the Whole, Hearing Notice “Chronic Absenteeism and Truancy,” available at: <https://lims.dccouncil.gov/Hearings/hearings/171>

³ See Eduardo Ferrer, Georgetown Law Juvenile Justice Initiative, testimony before DC Council’s Committee of the Whole, (Dec. 12, 2023), available for download at: <https://lims.dccouncil.gov/Hearings/hearings/171>; see also Bisi Oyedele, Education Forward DC, testimony before DC Council’s Committee of the Whole, (Dec. 12, 2023), available for download at: <https://lims.dccouncil.gov/Hearings/hearings/171>.

⁴ Office of the Attorney General for the District of Columbia, “On First Day of School, AG Racine Announces Expansion of Truancy Reduction Program Into Two Additional Schools in Ward 8,” available at: <https://oag.dc.gov/release/first-day-school-ag-racine-announces-expansion>

⁵ Id.

⁶ See Alicia Washington, Office of the Attorney General for the District of Columbia, Testimony Before the Council of the District of Columbia, Committee of the Whole, Public Roundtable on Chronic Absenteeism and Truancy (December 12, 2024), available for download at: <https://lims.dccouncil.gov/Hearings/hearings/171>

⁷ Mayor’s Proposed FY 2025 Budget and Financial Plan, Volume 2 Agency Budget Chapters – Part I, Governmental Direction and Support, Economic Development and Regulation, and Public Safety and Justice, p. A-136

⁸ See id., at A-132.

⁹ 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.

¹⁰ See Office of the State Superintendent of Education, *District of Columbia Attendance Report 2022-23 School Year*, p. 40-1 (November 30, 2023), available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2022-23%20Attendance%20Report_FINAL_0.pdf

Appendix B, Figure C.3 (showing higher rates of chronic absenteeism and truancy among students who are TANF/SNAP eligible); Figure C.5 (showing higher rates of chronic absenteeism and truancy among students experiencing homelessness).

¹¹ 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 (Sept. 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”).

¹² See Response to Questions, Director Laura Green Zeilinger, DC Council Committee on Housing Budget Oversight Hearing on the Department of Human Services and the Interagency Council on Homelessness, 08:33:05 – 08:34:17, April 5, 2024, available at: <https://www.youtube.com/watch?v=U1VKaKFJU2o>

¹³ Mayor’s Proposed FY 2025 Budget and Financial Plan, Volume 2 Agency Budget Chapters – Part I, Governmental Direction and Support, Economic Development and Regulation,

and Public Safety and Justice, p. C-134.

¹⁴ “SUSO is a community based truancy reduction program that helps parents get their children to school every day. The program works with families to identify barriers to school attendance by providing support services that address the family needs to make sure their kids attend school regularly- a critical first step for a good education and success later in life. The program also works directly with middle school youth to reengage students by providing them with the opportunity to receive additional resources that will positively impact their attitude towards school.” Office of Victim Services and Justice Grants (OVSJG), Show Up, Stand Out (SUSO), available at: <https://ovsjg.dc.gov/service/show-stand-out-suso>

¹⁵ Dana Edwards, Office of the Attorney General for the District of Columbia, Testimony Before the Council of the District of Columbia, Committee of the Whole, Public Roundtable on Attendance, Chronic Absenteeism, and Truancy in the District (November 30, 2022), available at: <https://oag.dc.gov/release/oag-testimony-attendance-chronic-absenteeism-and#:~:text=Under%20Attorney%20General%20Racine's%20leadership,causing%20kids%20to%20miss%20school.>

¹⁶ Id.

¹⁷ Phyllis Jordan & Hedy Chang, *State Strategies for Fighting Chronic Student Absenteeism* (Aug. 23, 2023), available at: <https://www.future-ed.org/state-strategies-for-fighting-chronic-student-absenteeism/>

¹⁸ 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*, p. 9-10 (September 2020), available at: https://csgjusticecenter.org/wp-content/uploads/2020/09/CSG_RethinkingtheRoleoftheJuvenileJusticeSystem_15SEPT20.pdf

¹⁹ 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*, p. 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”).

²⁰ See Casey Family Programs, *Issue Brief*, *supra* note 11.

²¹ See OSSE 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.

²² See OSSE, *District of Columbia Attendance Report: 2022-23 School Year*, *supra* note 10, at 42 (percentage calculated by adding percentages for moderate, severe, and profound chronic absence).

²³ 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).

²⁴ “Economically disadvantaged” is defined by the Office of the State Superintendent (OSSE) as students who qualify for Temporary Assistance for Needy Families (TANF), the Supplemental Nutrition Assistance Program (SNAP), have been identified as homeless during the academic year and/or who under the care of the Child and Family Services Agency (CFSA or “foster care”). 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 ;

²⁵ Office of the State Superintendent, “Data and Reports, Quick Stats: Public Schools in the District of Columbia,” *available at*: <https://osse.dc.gov/page/data-and-reports-0>.

²⁶ OSSE, *District of Columbia Attendance Report: 2022-23 School Year*, *supra* note 10, at Appendix B, Figure C.2.

²⁷ Office of the State Superintendent of Education, *District of Columbia Attendance Report: 2018-19 School Year*, Appendix C, Figures C.23, C.24, and C.26 *available at*:

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