

Overview

Attendance and Truancy

In this section of the Education Toolkit, you will find information and resources regarding the current regulations, policies, and guidance in the District of Columbia and Maryland as they pertain to school attendance, as well as interventions and consequences for students and their parents for truancy.

Children in DC and Maryland are required to attend school every weekday unless they have a valid excuse for being absent, such as a medical illness. In DC, children are required to attend school daily from ages five to eighteen; five-year-olds are required to attend school if they are five-years-old on or before September 30th in a given school year. In Maryland, the mandatory age of school attendance was recently raised to age eighteen. Schools are required to provide a range of interventions to children who fail to attend school regularly and their parents in an attempt to curtail truant behavior. Such interventions may include school meetings and conferences, attendance intervention plans, and referrals for various services. If such interventions do not lead to the student's improved attendance, however, schools in DC must refer the student's parent to the court for educational neglect or the student to the Juvenile Justice system as a Person in Need of Supervision ("PINS"), depending on the student's age.

Attorneys and advocates should be aware of revisions to DC's Truancy Laws made in 2016 pursuant to the School Attendance Clarification Amendment Act of 2015. The Act mandates that schools (1) refer any student ages 5-13 to the Child and Family Services Administration (CFSA) when that student accumulates ten unexcused full school day absences and (2) refer any student ages 14-17 to Court Social Services and to the Office of the Attorney General (OAG) when that student accumulates fifteen unexcused full school day absences. See D.C. Code §§ 38-201 to -213.

This section provides information and resources regarding how attendance and truancy are defined in DC and Maryland, including the Prince George's County policies on attendance, and a truancy guide developed by the Office of the State Superintendent of Education (OSSE) for DC students (DCPS and public charter school). This section also provides a tip sheet on how to address truancy and advocate for students who may be struggling to attend school regularly.

Legal Resources & Policies

District of Columbia

- [D.C. Code §§ 38-201 to -213](#) (compulsory school attendance laws)
- [D.C. Code § 38-238\(c\)](#) (discipline law regarding attendance issues)
- [5-A D.C. Mun. Regs. §§ 2100-2199](#) (compulsory school attendance regulations)

Maryland

- [PGCPS Administrative Procedure on Student Attendance, Absence and Truancy](#)

CLC Tip Sheet

Attendance and Truancy in the District of Columbia

Who is Responsible for Making Sure Children Attend School?

- The parent, guardian, or legal custodian. *See* D.C. Code § 38-202(a).
- Under DC law (*see* D.C. Code § 38-203), the parent, guardian, or legal custodian of a minor who is of absent from school without a valid excuse is guilty of a misdemeanor and may be fined, imprisoned, or both for each offense.

What is an Unexcused Absence?

Missing any part of a school day without a valid excuse is presumed to be an unexcused absence. *See* 5-A D.C.M.R. § 2102.1.

How Can I Get an Absence Excused for My Child?

- The parent, guardian, or legal custodian has to provide a valid excuse within 5 school days of the child returning to school. *See* D.C. Code § 38-203(c)(2).
- Under DC regulations (*see* 5-A D.C.M.R. § 2102), all schools are required to list the categories of absences they will accept as excused and should be clearly explained in the student's parent or student handbook. At minimum, all schools must include the following categories of excused absence:
 - Illness or other legitimate medical cause experienced by the student;
 - Exclusion, by direction of DC authorities, due to quarantine, contagious disease, infection, infestation, or other condition requiring separation from other students for medical or health reasons;
 - Death in the student's family;
 - Necessity for the student to attend judiciary or administrative proceedings as a party to the action or under subpoena;
 - Observance of a religious holiday;
 - Lawful suspension or exclusion from school by school authorities;
 - Temporary closing of facilities or suspension of classes due to severe weather, official activities, holidays, malfunctioning equipment, unsafe or unsanitary conditions, or other condition(s) or emergency requiring a school closing or suspension of classes;
 - Failure of DC to provide transportation in cases where there is a legal responsibility;
 - Medical or dental appointments for the student;
 - Absences to allow students to visit their parent or a legal guardian, who is in the military; immediately before, during, or after deployment; and
 - An emergency or other circumstances approved by the school.

Attendance Record

- All teachers are required to keep an accurate daily attendance record for students. *See* D.C. Code § 38-203(a).

Legally Permissible Consequences for Students with Multiple Unexcused Absences

- Students ages 5 through 13 will be referred to the Child and Family Services Agency (CFSA) no later than 2 business days after the accrual of 10 unexcused full school day absences within a school year.

- Students ages 14 through 17 will be referred to the Court Social Services Division of the Superior Court of the District of Columbia and the Office of the Attorney General Juvenile Division no later than 2 business days after the accrual of 15 unexcused full school day absences within a school year.
- Students may permissibly receive certain disciplinary sanctions for attendance issues. For instance, “unexcused lateness for school or class” is listed as a “Tier 1” behavior in DCPS’s disciplinary scheme, which includes behaviors that are “insubordinate or cause minor disruptions to the academic environment but do not involve damage to property, self, or others.” *See* 5-B D.C.M.R. § 2502.1.
- Students in non-public placements may lose their funding and placement if they miss ten days or more of school and do not follow through with appropriate attendance interventions.

Unlawful Consequences for Public School Students with Multiple Unexcused Absences

- Expulsions and out-of-school suspension are not allowed for unexcused absences or tardiness. *See* D.C. Code § 38-203(f-1).
- Unenrollments from school for unexcused absences or tardiness are not allowed, unless 20 or more full school day consecutive unexcused absences has been accumulated or unless the student is in an adult education program. *See* D.C. Code § 38-203(f-2).
- **NOTE:** The above two provisions will be repealed, as of September 25, 2018, and similar language will be found at D.C. Code § 38-238(c), pursuant to the Student Fair Access to School Amendment Act of 2018. The new language will include that involuntary transfers are also not allowed for unexcused absences or tardiness.

Is a PINS Case Such a Big Deal? What is the Worst that Can Happen?

While the services available to PINS youth and the charges in a PINS case may be different, the Court has very similar authority to the powers it holds in any other juvenile case. Students charged with PINS cases can be removed from their home and required to participate in various services if they do not comply with probation conditions – in fact, youth can even be committed to the care and custody of the Department of Youth Rehabilitation Services (DYRS) if a youth is not compliant with probation conditions (which almost always include regular school attendance).

Dos and Don'ts for Working with Students with Attendance Issues

- **DO** make sure the student and parent are aware of the consequences for unexcused absences and remind them regularly!
- **DON'T** let a student sign an Attendance Contract without reviewing it. **DO** (where you have been given the opportunity to review the contract) include provisions regarding interventions the school should provide.
- **DO** make sure students returning from or being placed in out-of-state placements are aware that the compulsory age for attendance in DC still applies to them.
- **DON'T** assume, however, that out-of-state facilities are aware of how the compulsory school age in DC may vary from their own jurisdiction. How does this relate to truancy? For instance, if the compulsory age of school attendance in State X is 16 (and students can take the GED at 16), a 16-year-old DC student may return to the District having passed the GED but still be subject to DC’s mandatory attendance law.
- **DON'T** be shy about asking to see documentation of a school’s efforts to provide truancy intervention, especially where a court referral is contemplated.

Attendance and Truancy

Resources and Links

District of Columbia

◆ OSSE Attendance and Truancy Resources

- [https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Attendance%20and%20Truancy%20Resources%20%28Parent%20Notice%29 June%202022%2C%202018.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Attendance%20and%20Truancy%20Resources%20%28Parent%20Notice%29%20June%202022%2C%202018.pdf).
- This document outlines OSSE's Attendance and Truancy Resources, including links to the DC Laws and Regulations related to attendance and truancy. This may be a valuable resource for parents, guardians, or caregivers of youth attending school in the District of Columbia.

◆ DCPS Attendance and Truancy Policy

- https://dcps.dc.gov/sites/default/files/dc/sites/dcps/page_content/attachments/FINAL%20DCPS%20Attendance%20and%20Truancy%20Policy%2008-21-18.pdf
- DCPS updated its attendance and truancy policy in August 2018. This policy will take effect with the start of the 2018-2019 school year and supersedes any prior DCPS policies regarding attendance and truancy.

◆ PGCPS Administrative Procedure (5113), Student Attendance, Absence, and Truancy

- <http://www1.pgcps.org/generalcounsel/index.aspx?id=179107>
- This document outlines PGCPS's procedures for reporting and confirming student absences, as well as the steps schools and caregivers should take to prevent truancy.