



State Board of Education Resolution
To Approve the District of Columbia’s Amendments to the Compulsory Education
and School Attendance Regulations
SR22-3

WHEREAS, regulations for compulsory education and school attendance are codified in Chapter 21, Subtitle A, of Title 5, of the District of Columbia Municipal Regulations (DCMR);

WHEREAS, District of Columbia law requires the D.C. State Board of Education to approve attendance regulations for the District, as developed by the Office of the State Superintendent of Education (OSSE), pursuant the Public Education Reform Amendment Act of 2007;

WHEREAS, under the authority of the South Capitol Street Memorial Amendment Act, OSSE proposed to define “presence” for purposes of school attendance as being in attendance for at least 80 percent of the instructional day in 5-A DCMR § 2199 on January 4, 2013;

WHEREAS, the State Board approved defining “presence” as attending at least 80 percent of the instructional day and the rulemaking was adopted on June 28, 2013;

WHEREAS, this rulemaking became colloquially known as the “80/20 Rule”;

WHEREAS, the State Board expressed concern with the 80/20 Rule in April 2015 and most recently expressed support for changing the definition of “presence” from being in attendance for 80 percent of the instructional day to 60 percent of the instructional day (a “60/40 Rule”) in March 2022;

WHEREAS, on March 11, 2022, the State Superintendent of Education testified before the Council of the District of Columbia that she would change the 80/20 Rule to a 60/40 Rule;

WHEREAS, the proposed regulation will allow student support teams to focus their attention on the students that miss entire days of school;

WHEREAS, local education agencies (LEAs) have begun using routine distance learning and situational distance learning;

WHEREAS, routine and situational distance learning is currently unaddressed in Chapter 21 of the DCMR;

WHEREAS, public testimony at the D.C. Council’s public hearing on *Improving School Attendance/Reducing Truancy and Chronic Absenteeism* on March 11, 2022 and before the State Board’s Public Meeting on May 18, 2022, was supportive of shifting the definition of “presence” from 80/20 to 60/40;





WHEREAS, OSSE presented draft concepts to shift the 80/20 Rule to a 60/40 Rule, regulate distance learning, and clarify definitions to the State Board on May 4 and June 1, 2022, and OSSE presented draft language to amend Chapter 21 to shift the 80/20 rule to a 60/40 rule, regulate distance learning, and clarify definitions to the State Board on June 1, 2022;

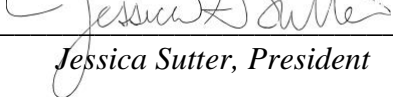
WHEREAS, OSSE, in addition to engagements with the State Board, has engaged in an extensive period of public engagement, holding multiple feedback sessions with LEA leaders, parent-connected organizations, and education advocacy organizations to refine the emergency and proposed regulation;

WHEREAS, OSSE will solicit additional feedback on the emergency and proposed compulsory education and school attendance regulations during the notice and comment period, which shall commence with approval of this resolution;

WHEREAS, OSSE will thoroughly consider all of the comments received throughout the public comment period; and

WHEREAS, the State Board has reviewed the revised Chapter 21 regulations and finds that the regulation establishes an improved measure of “presence” for purposes of attendance, more consistent definitional language, and appropriate guardrails for distance learning.

NOW THEREFORE BE IT RESOLVED, that the D.C. State Board of Education approves the District’s Emergency and Proposed Regulation of Compulsory Education and School Attendance as proposed by the State Superintendent.

Date Adopted: 7/20/2022 Signed: 
Jessica Sutter, President

