



November 6, 2020

Shana Young  
Interim State Superintendent of Education  
Office of the State Superintendent of Education  
1050 First Street NE  
Washington, DC 20002

Dear Interim Superintendent Young,

The DC State Board of Education (SBOE) is pleased to provide public comment on the Office of the State Superintendent of Education (OSSE) *2020–21 School Year Emergency and Proposed Attendance Regulations* published in the DC Register on October 9, 2020.

Pursuant to §38–2652(a)(14), the State Board has the approval authority over the state rules for enforcing school attendance requirements. Overall, the State Board believes OSSE’s emergency attendance regulations for the 2020–21 school year represent appropriate action given the coronavirus (COVID-19) pandemic that has shifted the way that public-school students are learning from a traditional in-person posture to online and hybrid instruction. However, the State Board is cautious about the emergency regulatory process, as it limits public engagement. As such, the State Board appreciates that OSSE publicly shared the draft framework for the aforementioned emergency attendance regulations at its June 10, 2020 special working session, as well as the final draft regulations at its October 7, 2020 working session, and is fully committed to working with OSSE in this regulatory process to ensure that the final draft represents expert and stakeholder input.

Below, the State Board has summarized recommendations based on comments and feedback collected from recent and past public comment and research, as well as on the regulations. For comments and feedback on specific language drafted in the regulations, we have added footnotes indicating the specific section for your ease of review.

- ***Learning Management System (LMS)*** – The State Board appreciates that OSSE has empowered school autonomy around the usage of an LMS. However, we continue to hear concerns about and challenges with the complex and multiple platforms that schools and local education agencies (LEAs) are using to engage students in online learning. For example, students have expressed confusion about how to check if they were counted as present for the school day when their LEA uses an LMS, as well as whether or not they are required to log in and out of an LMS between each of their classes and/or every school day. Families with students across multiple schools and both sectors have also expressed frustration with the varying platforms and transitioning between them.<sup>1</sup> **The State Board urges OSSE to push LEAs to provide more guidance and clarity to students and**

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<sup>1</sup> As of October 28, there are 42 LEAs that are using only an LMS to track student attendance, 12 that are not using an LMS and will be making contact with students in other ways, and 13 LEAs that have chosen a mixed approach.

families about how their LMS will be used to track attendance—beyond the publication of an LEA’s continuous education plan on OSSE’s [website](#).

- ***Reporting on Attendance Data*** – The State Board appreciates that OSSE has described what criteria are used to determine whether a student is marked present or absent while in distance learning. However, assuming that students will remain in or have to revert to a distance and/or hybrid posture throughout and possibly beyond the 2020–21 school year, **the State Board urges OSSE to collect data that will provide insight into the best practices and challenges LEAs are encountering related to tracking attendance and engagement.** The State Board does not encourage overburdening LEAs or OSSE, but if data is already being captured by LEAs, then OSSE should collect the data and make it available. This would provide us insights and learnings on how to improve practices going forward. Such data might include school-level data received from LEAs that indicates how many students were marked present *via each method* at every LEA, by school, grade band, race/ethnicity, English language learner status, special education status, or at-risk status, as well as data on how schools track engagement.
- ***“80/20 Rule”*** – Given COVID-19 and the current format of educational instruction, the State Board agrees with OSSE that the “80/20 Rule” should not be applied for the 2020–21 school year. However, **the State Board asks OSSE to provide further clarity on how data will be recorded if an LEA chooses to record partial present days**—the State Board is not suggesting that students must be present for a full day to be regarded as present. Furthermore, the State Board recommends OSSE prepare additional proposed regulations to go into effect after the 2020–21 school year that will permanently change the unintended negative impacts of the 80/20 rule. The 80/20 rule disadvantages students who are already most at risk, including students experiencing homelessness, students navigating the juvenile justice system, students who are themselves parents, and students who have to work in order to help support themselves and/or their families. **The State Board, therefore, urges OSSE to revisit and further investigate concerns, including (but not limited to) those raised by the State Board Truancy and Student Engagement Committee in 2015.**<sup>2</sup>
- ***Excused Absences due to Device and Technology Issues*** – The State Board appreciates OSSE’s instruction to District LEAs to use currently codified regulations (i.e., DCMR § 2102.2(k))<sup>3</sup> when a student cannot attend remote courses due to a lack of access to technology, broken technology, or the illness of a family member charged with helping them access education. However, in the State Board’s review of [LEA Continuous Learning Plans](#), the State Board only found a small number of schools<sup>4</sup> excusing absences due to

<sup>2</sup> [https://sboe.dc.gov/sites/default/files/dc/sites/sboe/release\\_content/attachments/Chronic%20Absenteeism%20-%20ADOPTED%20-%2020040115\\_0.pdf](https://sboe.dc.gov/sites/default/files/dc/sites/sboe/release_content/attachments/Chronic%20Absenteeism%20-%20ADOPTED%20-%2020040115_0.pdf)

<sup>3</sup> DCMR § 2102.2(k) for “an emergency or other circumstance approved by an LEA.”

<sup>4</sup> For example, KIPP DC’s plan states, “Students may also be excused from virtual learning if they are struggling to access technology, have broken technology, or the adult charged with supporting their online learning is ill. These absences will be excused using the ‘Admin Excused’ code” and IDEA PCS has an ‘Absent Excused – Technology’ code for school year 2020–21. Other LEAs that provide information on excused



technology-related issues—and notable missing guidance in this area is the District’s largest LEA (i.e., DC Public Schools (DCPS)). **The State Board suggests stronger OSSE guidance in this area that urges LEAs to communicate further around permitted absences involving technology or caregiver-related issues.**

- ***LEA Continuous Education Plans*** – The State Board monitored the posting of [LEA Continuous Learning Plans](#) and appreciates OSSE confirming all LEAs have submitted and approved plans.<sup>5</sup> However, **the State Board requests additional information to learn if any LEAs were asked to resubmit plans due to errors, insufficiency, or other problems.**

The State Board understands that OSSE is soliciting public comment on the ***2020–21 School Year Emergency and Proposed Attendance Regulations*** until Sunday, November 8, 2020, and is fully committed to working alongside you and your staff as these regulations are finalized.

Sincerely,

Ruth Wattenberg  
Ward 3 Representative and President  
D.C. State Board of Education

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absences related to technology issues include: District of Columbia International School, Elsie Whitlow Stokes Community Freedom PCS, Meridian PCS, Monument Academy PCS, Paul PCS, and Sela PCS.

<sup>5</sup> Plans appear to have been approved on the following dates: October 6, October 14, October 15, October 17, and October 22, 2020.

