



Public Hearing on Bill 24-428, the School Attendance Amendment Act of 2021 and on the issue of Improving School Attendance.
Council Committee of the Whole
March 11, 2022

Testimony of Dr. Jessica Sutter
President and Ward 6 Representative
DC State Board of Education

Mr. Chairman, Members of the Council and staff, thank you for allowing the State Board of Education to testify today on [Bill 24-428](#), School Attendance Amendment Act of 2021 and, more generally on improving school attendance and reducing truancy and chronic absenteeism. My name is Dr. Jessica Sutter and I have the honor to serve as the Ward 6 Representative and President of the DC State Board of Education (State Board).

The State Board supports the goal of B24-428 to change the definition of required daily attendance to a 60/40 ratio; however, we object to the inclusion of this ratio in statute. The State Board asks that changes to the appropriate DC Municipal Regulations (5-A DCMR § 2199) follow the regular approval process, including a vote by the State Board.

This issue is not new to the work of the State Board. Members and staff of the State Board have served on the Every Day Counts! Task Force and its predecessor, the Truancy Task Force, since inception, have conducted research on issues of attendance and truancy, and have heard regularly from advocates concerned about rates of chronic absenteeism and supports for students.

The District of Columbia has recognized its significant challenges in school attendance for far too long. In April 2015, the State Board adopted a report by then-Ward 4 Representative Kamili Anderson titled *Challenges Associated with Implementation of the District of Columbia's New Compulsory Attendance Laws and Recommendations for Addressing Them*. A copy of this report is attached to my testimony.

At that time, the State Board identified several serious concerns related to compulsory attendance laws, including the so-called "80/20 rule". The State Board remains convinced that the best way to ensure educational success is for students to be in their classrooms each and every day. However, the 80/20 rule has been, in our opinion, weaponized against students facing significant burdens to their education journey (e.g., students experiencing homelessness, students navigating the juvenile justice system, students who are themselves parents, and students who must work to help support themselves and/or their families). Schools have had to spend too much time and money tracking absences instead of working with individual students to remove these barriers.

Further, in November 2020, the State Board submitted a letter to the Office of the State Superintendent of Education (OSSE) related to emergency attendance regulations during the





2020–21 school year. In the State Board’s letter, we called on OSSE to, among other things, do the following:

- Push local education agencies (LEAs) to provide more guidance and clarity to students and families about how their learning management systems (LMS) would be used to track attendance,
- Collect data that will provide insight into best practices and challenges LEAs are encountering related to tracking attendance and engagement, and
- Prepare additional proposed regulations to go into effect after the 2020–21 school year that would permanently change the unintended negative impacts of the 80/20 rule.

A copy of the letter to OSSE is attached to my testimony. To the best of my knowledge, OSSE has not taken action on these suggestions from the State Board.

I want to be very clear about this: The State Board supports a change to 80/20 and has been on record as supporting that change since 2015. Our concern is that since we requested that change in 2015 and again noted concerns in 2020, the Executive has not brought any regulations for that change for our review and vote. We are hopeful that this hearing will push the Executive to move those regulatory changes to the State Board in the near future. For our part, we commit to a swift review of any proposed regulations.

Further, with respect to the actual language included in B24-428, the State Board questions the usage of “physically in attendance”, such that we have learned over the course of the COVID-19 pandemic that learning might take place in different postures. The State Board also notes the usage of the term “public transportation” – and asks for clarity on if this term is exclusive to Washington Metropolitan Area Transit Authority (WMATA) trains and buses, or also for OSSE transportation buses.

The State Board remains concerned about dismal data on school attendance, but is equally concerned that the Executive and Council continue to place additional responsibilities on school-based staff without providing adequate funding and positions to make a real impact on student attendance. The State Board believes this lack of dedicated staff and training causes significant frustration for students and school staff. As noted above, our November 2020 letter called on OSSE to collect data from LEAs on best practices and challenges—to help us better understand the attendance issue at hand. For instance, the Every Day Counts! Task Force has released data on how inconsistent schools are in using Student Support Teams to identify and eliminate individual student barriers before their attendance becomes chronic.

We know that school attendance nationwide is hugely problematic. A [January 2021 article](#) from the American University School of Education noted that:

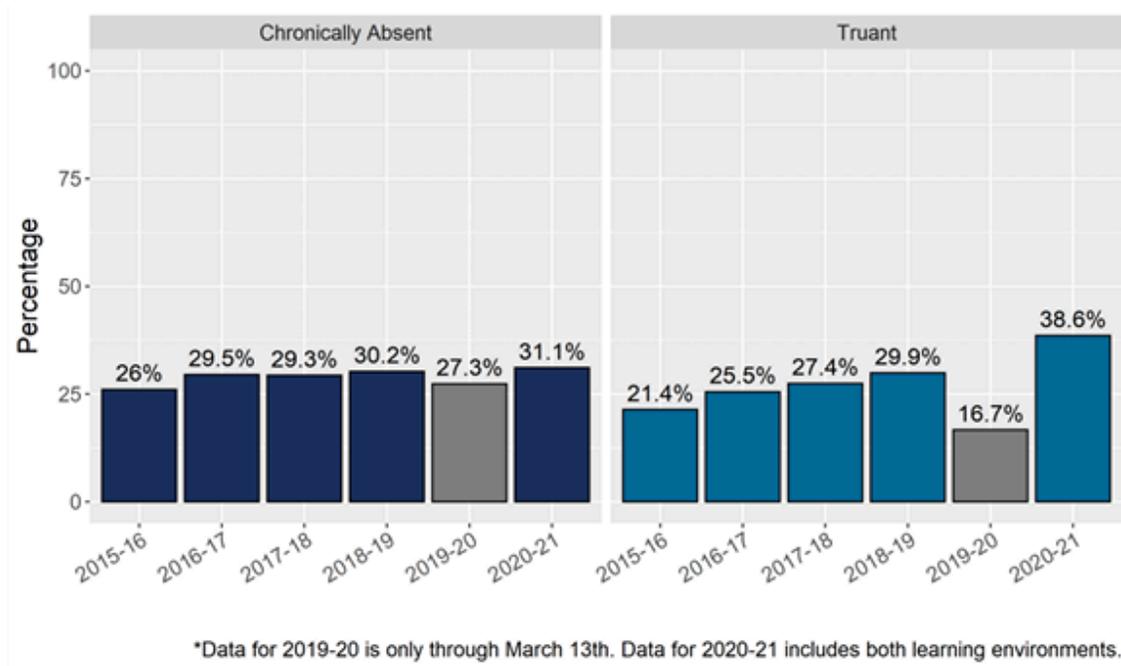




- More than seven million students in the US—16 percent of the student population—missed 15 or more days of school (making them chronically absent).
- Approximately 800 school districts reported more than 30 percent of their students missed at least three weeks of school.
- Chronic absenteeism rates are highest in high schools—where about one in five students—is chronically absent.

The *2020-2021 Attendance Report* submitted to the Council by OSSE notes that: “In the 2020-21 school year, chronic absenteeism increased to 31 percent, about a point higher than the last full year of data in 2018–19. Truancy increased dramatically in the 2020–21 school year to a five-year high of nearly 39 percent.” I would call the Council’s attention to the 39 percent truancy rate which represents a substantial increase of students who have accumulated 10 or more unexcused absences during the school year. I have included a chart from the Attendance Report as well to demonstrate that despite all the efforts in the District since 2014, our chronic absenteeism and truancy rates are going up, not down as we hoped.

Figure 1: State-level rates of Truancy and Chronic Absenteeism



The Attendance Report also states that “students who were considered at-risk were 3.7 times more likely to be chronically absent than their peers after accounting for other characteristics such as gender, race, ethnicity, and other indicators of economic and educational status” and “Black or African American and Hispanic or Latino students were more likely to be truant than other students”.





Clearly, what we are doing is not enough. The State Board believes this is the time for bold actions to better serve our students. We urge the Council and the Executive to design a new and innovative school attendance structure that includes broader and deeper support for individual student and school-wide needs, creation and support of community schools across the city, continued investment in safe passage initiatives, programmatic and financial support for social-emotional learning, enhancements and extensions to student and faculty behavioral health services and, importantly, re-thinking economic development and housing policies to support families.

I look forward to hearing the testimony from the Executive today. I want to thank the Council for having this hearing as part of its inquiries into student attendance in the District. I am happy to answer any questions you may have at this time.





District of Columbia State Board of Education
DCSBOE



To: Members, State Board of Education

From: Kamili Anderson, Chair, Truancy and Student Engagement Committee

Subject: Challenges Associated with Implementation of the District of Columbia's New Compulsory Attendance Laws and Recommendations for Addressing Them

Date: April 1, 2015

Executive Summary

Truancy and chronic absenteeism have profound impacts on student learning and success.¹ New attendance rules mandated by the Council of the District of Columbia (the Council) and approved by the State Board of Education (State Board) in 2013 established an early-warning system that requires schools to identify and support chronically absent students before they veer off track academically.

Several provisions, notably the so-called "80/20 rule," have been brought to the State Board's attention as problematic in their implementation. After hearing concerns about the attendance rule's negative effect on school staff, students, families, and truancy rates, the State Board conducted research, site visits, and roundtables to learn more about the implementation challenges. It was noteworthy that roundtable participants included high school principals and assistant principals from across the city.

Through the course of the State Board's research, the Board uncovered discrepancies in how the District's school administrative bodies, namely the District of Columbia Public Schools (DCPS), the Office of the State Superintendent (OSSE) and the Public Charter School Board (PCSB), and schools have experienced the impact of the law change. Quite significantly, District school administrative bodies deem the law a success so far in reducing truancy, while school personnel express that they have experienced the opposite effect because of how they have had to implement the policy. School-level implementation challenges fall into the following four buckets.

First, attendance systems at the high school level have not been reconciled with new truancy rules, leading to the unintended consequence of labeling tardy students as absent – which can ultimately lead to their involvement in the family court system. This problem is particularly acute in high schools with block scheduling, where the first class, regardless of length, can represent a quarter of the instructional day. Second, truancy rules are enforced inconsistently across schools; some schools prohibit students who are more than 10 minutes late from entering their first class, leading them to be counted as absent under the 80/20 rule. Third, the new rules have created obstacles for families who choose to engage their students in educationally enriching activities during school time, the most recent examples of which included a student who plays in international music competitions, a grandmother who took her grandchild to the 50th anniversary of the march on Selma, Alabama, and the parents who took a sibling to the adoption of his/her sibling. Fourth, school personnel feel "buried in paperwork" demanded by

¹ Absences Add Up: How School Attendance Influences Student Success. Attendance Works report, August 2014
http://www.attendanceworks.org/wordpress/wp-content/uploads/2014/09/Absences-Add-Up_090114-1-1.pdf
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the new law, which has required school staff who would ordinarily be involved with addressing the root causes of truancy to address the symptomatic elements instead.

Based on these conclusions of the State Board's research, the Truancy and Student Engagement Committee recommends the State Board take the following actions:

- 1) Call for Office of the State Superintendent for Education (OSSE) to investigate the challenges and inconsistent findings reported by school-based administrators, along with practices employed at the school-level, in the recordation of student absences and tardies based on the 80/20 rule. OSSE shall provide a report of its findings to the Board and the Deputy Mayor of Education (DME) no later than August 30, 2015. The report shall include a proposal to implement solutions that ensure uniform, fair, and accurate reporting of absences and tardies across all District of Columbia schools or to make adjustments to the definition of "present" within the schools.
- 2) Call for OSSE to evaluate the impact of the District of Columbia's attendance regulations, including the 80/20 rule, on students, their families, the criminal justice and human service (e.g., CFSA) systems, and school climate. The report shall be delivered to the State Board no later than December 31, 2016, and shall include a cost-benefit analysis related to full compliance with compulsory attendance regulations.
- 3) Advise the Council of the District of Columbia to appropriate funds for the development and implementation of solutions that will ensure uniform implementation of the District's school attendance laws, support school-based administrative staff in the accurate reporting of student attendance, and strengthen truancy prevention work in schools.
- 4) Call for OSSE to conduct research on truancy-prevention practices and strategies in the District of Columbia as well as in other districts and states, including an investigation into the background and rationale for implementing the 80/20 rule, and report to the State Board no later than December 31, 2015.
- 5) Advise the DME, in consultation with DCPS and the Public Charter School Board, to investigate the limitations of compulsory attendance regulations on student learning that extends beyond the classroom, with particular focus on potential changes in practice which could include expansion of the definition of "excused" absences to include guided learning opportunities that extend beyond the classroom.
- 6) Advise the Council and the Mayor to consider expansion of the District's Department of Transportation's (DDOT) student transit subsidy program to include free Metrorail passes for students to travel to and from school and possibly to provide free transportation for parents/guardians of young students to accompany their children to and from school on the bus and Metrorail.

Background

In June 2013, the District of Columbia State Board of Education (State Board) approved new compulsory attendance regulations that reduced the threshold of unexcused absences and mandated earlier interventions for truant students and a stricter definition of “present.”

The District’s LEAs have struggled to comply with key provisions of the law, most prominently the requirement that schools convene a student support team (SST) meeting with students and their parent/guardian after the accrual of five unexcused absences. The State Board soon became aware, however, that some District schools were struggling in communicating the changes wrought by the new law to students and parents and were experiencing increases in truancy rates due to the new present/absent ratios mandated in the law, specifically the so-called “80/20 rule” which considers students “absent” if they miss 20 percent of the school day.

This report details the State Board’s efforts to establish facts and achieve solutions to truancy and chronic absenteeism issues that hinder teaching and learning, and prevent too many young people from reaching their full potential. It further discusses some of the many implementation challenges identified by school-level and District personnel since the State Board of Education’s approval of revised compulsory attendance regulations in December 2013.

History and Timeline

- **June 19, 2013** – State Board of Education approved revised compulsory attendance regulations that aligned and conformed to changes made by the Council of the District of Columbia to provisions of the “South Capitol Street Memorial Amendment Act of 2012.”
- **Fall 2013** – Community members alerted Board members to implementation challenges associated with the definition of “present” (the so-called “80/20 rule”). That provision states that in order for a student to be considered present, they must be physically in attendance at scheduled periods of instruction at the educational institution in which they are enrolled for at least 80% of the full instructional day, or in attendance at a school-approved activity that constitutes part of the approved school program for the student.
- **December 18, 2013** – The State Board approved several technical changes to the compulsory attendance rules to conform to changes made by the “Attendance Accountability Amendment Act of 2013.” At this meeting, the State Board directed staff to investigate the concerns raised about implementation of the 80/20 rule further and make a recommendation.
- **Winter 2014** – State Board staff visit schools to gather information on implementation of compulsory attendance regulations, with emphasis on 80/20 rule.
- **February 19, 2014** – The State Board establishes the Truancy and Student Engagement Committee.
- **March/April 2014** – Initial findings shared with the Truancy and Student Engagement Committee.
- **June 12, 2014** – The State Board’s Truancy and Student Engagement Committee, chaired by Ward 4 member Kamili Anderson, holds a public roundtable titled, “Moving Past Truancy: Chronic Absenteeism in the District of Columbia” to review the implementation of the compulsory attendance rules and reported implementation problems.
- **November 17, 2014** – State Board holds public roundtable to learn about implementation challenges and get feedback from principals, teachers, students, and community members.

Analysis of Implementation Challenges

On June 19, 2013, the State Board of Education approved additional revisions to the District's compulsory attendance rules (Title 5, Chapter A-21, in the District of Columbia Municipal Regulations [DCMR]) to address student attendance at public schools and schools receiving District funding. The need for revisions emerged with the implementation of the "South Capitol Memorial Amendment Act of 2012" (the Act).

The Act was intended to reduce truancy and increase in-seat attendance for students in the District and prevent the mass shooting that took the lives of 19-year-old William Jones III, 18-year-old DaVaghn Boyd, 18-year-old Tavon Nelson, and 16-year-old Brishell Jones and inflicted a trauma on the entire city. Along with a reduction in truancy, the law aimed to establish a comprehensive youth behavioral health infrastructure and "transform how the District addresses youth behavioral health issues, strengthen our ability to identify signs of unmet behavioral health needs early, and allow us to effectively intervene in order to prevent future negative outcomes."² Through changes to the compulsory attendance law, it was hoped that new activities would decrease high school dropout rates, increase grades and graduation rates, and reduce crime and recidivism. However, the need to strengthen attendance rules was again brought to public attention with the tragic disappearance of eight-year-old District of Columbia Public Schools student Relisha Rudd, who accumulated weeks of "excused" absences before school officials investigated and found she hadn't been in a physician's care, but by then it was too late.

Not long after the State Board's adoption of the revised compulsory attendance rules, education advocates and other members of the public expressed concerns regarding the impact of the new definition of present, tardiness, truancy, and in-seat attendance rates. They maintained that the new definition presented a disincentive for students who arrived late to school to remain in school for the remainder of the day as those students would be marked "absent" even if they were physically present for part of the day. At the State Board's public meeting on December 18, 2013, the State Board tasked its staff to investigate this issue further and develop a set of policy recommendations that might address concerns. Since then, Board staff have been actively engaged in researching attendance rules in other jurisdictions and exploring the impact that the new compulsory attendance laws are having on absenteeism, school truancy, and in-seat attendance rates.

In the past year, additional issues with implementation of the compulsory attendance regulations have come to light. In April 26, 2014, an article by the *Washington Post's* Emma Brown and Keith L. Alexander included comments from Kaya Henderson, Chancellor of the District of Columbia Public Schools. She said that "officials in high-truancy schools are overwhelmed and often struggle to meet the new requirements. As of early January, fewer than 40 percent of the system's chronically truant students had been referred to child welfare as required by law, according to school data." The Chancellor added that the new expectations have "made us [DCPS] more vigilant and have helped us to focus on attendance. But I am worried that I have people whose entire job is the compliance and paperwork...and I think that does not then allow us to do the deeper things that engage students."³

In September 2014, the revised compulsory attendance rules were highlighted again when the

² http://www.huffingtonpost.com/david-catania/south-capitol-memorial-amendment-act_b_1389638.html

³ http://www.washingtonpost.com/local/education/truancy-absenteeism-a-chronic-problem-in-dc-schools/2014/04/26/0269291e-cb1f-11e3-a75e-463587891b57_story.html

Washington Post reported on the story of an Alice Deal Middle School student and piano prodigy, Avery Gagliano, who was seemingly labeled as a truant despite her attendance record reflecting that her absences while performing abroad were excused for being “authorized school activity.”⁴ However, her family still received form letters threatening Child and Family Services Agency referrals. This error only served to confuse and ultimately frustrate them to the point of removing their daughter from the public school system altogether and educating her at home. This situation highlights the conflict between a broadly applied law and the need for schools to both comply and consider individual circumstances.

As DCPS officials pointed out in response to both the Rudd and Gagliano cases, school personnel typically have relationships with families that allow them to know extenuating circumstances and exercise flexibility in invoking truancy regulations when determining whether an absence is excused or unexcused. In practice, however, it appears that complying with the attendance rules meant, in one case, a school having to accept the false assurance that a child was missing school for medical reasons, and in the other, having no flexibility to consider individual circumstances.

The 80/20 Rule

The revised compulsory attendance rules included a new definition of “present” in the District’s schools. Under the new 80/20 rule, for a student to be considered present, they must be physically in attendance at scheduled periods of instruction at the educational institution in which they are enrolled for at least 80 percent of the full instructional day or in attendance at a school-approved activity that constitutes part of the approved school program for that student. Prior to December 2013, when the State Board was considering its vote on additional revisions to the compulsory attendance rules, which included the 80/20 rule, several education stakeholders and members of the community expressed their concerns about the revised definition of “present” contained in the new regulations. They claimed that the new definition presents a disincentive for students to persist in school on a day when they are tardy or missing for a portion of a day because they would be marked “absent” for the entire day, even if they were physically present for part of it—though less than the 80 percent threshold. They further warned that if such students accrued enough absences during the course of a school year as a result of this rule, especially if those absences went unexcused, they or their parents might face disciplinary referral or other action, warranted or unwarranted.

During winter 2013, at the State Board’s insistence, Board staff conducted interviews with school principals and attendance staff to get a sense of the impact that the new compulsory attendance laws were having on school truancy and in-seat attendance rates.⁵ They also held interviews with leaders and staff from several educational and social advocacy organizations and from the DCPS Office of Youth Engagement. Additionally, staff attended several meetings of the citywide Truancy Task Force, and conducted research into attendance laws and perspectives on those laws in other jurisdictions (including both states and cities).

The State Board staff’s findings can be summarized as follows:

⁴ http://www.washingtonpost.com/local/in-dc-a-12-year-old-piano-prodigy-is-treated-as-a-truant-instead-of-a-star-student/2014/09/08/58962746-3727-11e4-bdfb-de4104544a37_story.html

⁵ **Truancy** = Accumulation of more than 10 unexcused absences

In-Seat Attendance = Number of days student is present divided by the number# of days student is enrolled

- Principals and personnel at the DCPS comprehensive high schools that State Board staff visited voiced the greatest concerns regarding the implementation of the 80/20 rule. They claimed that their truancy rates had increased and that their staff members were being spread very thin to handle the paperwork associated with documenting attendance under the new rule. In their view, the 80/20 rule was having a largely negative impact on student attendance and truancy rates, and they were very eager for a solution to the problems that they believed had arisen as a result. No measureable impact from the new rule was noted by interviewed personnel at the public charter schools.⁶
- By contrast, staff in the DCPS Office of Youth Engagement maintained that the impact of the 80/20 rule on the public schools had not been as great as they had anticipated. They confirmed DCPS’ support for the 80/20 rule and indicated that they would appreciate the opportunity to collaborate with the State Board in addressing the concerns raised by school-based personnel about the rule and its impact.
- Data presented to the city-wide Truancy Task Force further contradicted the anecdotal reports of the high school leaders and staff. Those data confirmed that substantial reductions in chronic truancy had occurred over the 2013-2014 school year and that many of the schools of those interviewed actually experienced sharp reductions in their truancy rates. Truancy rates for public charter schools were also shown to have decreased, from 18.8% to 14.9%.
- Interviewees from the advocacy organizations suggested that the conversation around the 80/20 rule be shifted from a focus on truancy to a focus on student engagement. They further suggested that the State Board take a leadership role in promoting this paradigm shift, which could potentially encompass an emphasis on the benefits of regular, on-time school attendance and welcoming school climates while downplaying the need for disciplinary action.

How Other Jurisdictions Define “Present”

Research into the attendance policies of other jurisdictions revealed that the District of Columbia is an outlier in two respects. First, very few jurisdictions define the term “present” within their compulsory attendance laws. Rather, present is often defined within the procedures used to record student attendance. Second, no other jurisdiction was found to use a proportion of as high as 80/20 to measure student attendance. Indeed, the evidence suggests that the District of Columbia has one of the most stringent definitions of present on record.

⁶ State Board staff conducted interviews with school administrators and attendance staff at five comprehensive DCPS high schools and two public charter schools. Among the public schools were Anacostia, Dunbar, Eastern, Roosevelt, and Wilson; from the charter side: Center City PCS–Congress Heights and E. L. Haynes Public Charter School. Board staff also engaged the principals of McKinley Technology High School and Cesar Chavez School for Public Policy–Capitol Hill Campus via email correspondence. Both of the latter two schools’ principals indicated that their schools were not experiencing any problems with student attendance due to the 80/20 rule, nor had any of their students cited the rule as a reason they did not stay at school after missing part of a day.

The closest jurisdiction with a similar law is West Virginia, where students are considered present if they are in attendance for at least 74 percent of the school day. In Illinois, students must be at school for at least five hours to be marked as present, which, for many schools in that state, translates to a 70/30 proportion. In the Baltimore City and Montgomery County public schools, students are counted as present if they are in attendance for at least four hours of the school day, which roughly equates to a proportion of about 60/40. Other jurisdictions, such as the city of Boston and the state of North Carolina, require a student to be in attendance for at least half the instructional day to be counted as present. Students in Florida's Miami-Dade County public schools are considered present if they are in school for at least two hours.

School-Level Perspectives on the 80/20 Rule

The DCPS principals interviewed by Board staff indicated that their in-seat attendance rates had decreased since the 80/20 rule went into effect. Those at Eastern, Roosevelt, and Wilson, for example, claimed to have experienced a 10-point drop and maintained that their truancy rates had become astoundingly high. The principals also noted that after applying the new rule, more than half the students at Dunbar High School met the criteria for chronically truant and one-third of students at Wilson had more than five unexcused absences, which required a meeting with the Student Support Team.

These schools' principals, administrators, and attendance staff concurred that although the 80/20 rule may not be causing their students to skip school altogether, they could understand how such a scenario might arise. They also noted a number of different problems that have arisen with the rollout and implementation of the new compulsory attendance laws, for example:

- All indicated problems with how the 80/20 rule was rolled out. Many said that they were not aware of the changes the new rule would bring until just before the school year began and thus were unable to develop a robust communication strategy for informing parents and students. They also claimed that they were informed about the new rule in different ways, including through an OSSE brochure, through conversations with colleagues, at a PCSB meeting, and at a DCPS professional development session for attendance counselors, which may have led to inconsistent expectations.
- The interviewed principals and other high school personnel also expressed concern about DCPS's lack of a consistent, mandated master-scheduling structure for its high schools. They pointed out that DCPS high schools have the flexibility to determine their own master schedules (e.g., 4x4, 4x4 AB, traditional 1-7 period structure, etc.), which can have a major impact on their attendance rates:
 - Wilson High School, for example, has a "skinny" first period that is only 45 minutes long, but since DCPS measures attendance by period, if a student misses that first class, they have missed 25 percent of the day and they are considered absent for the remainder of the day *even* if they arrive at school in time for second period;
 - Alternately, Roosevelt and Dunbar high schools use block scheduling, so if one of their students misses even one period of the day, they hit the 20 percent threshold and are marked as absent for the whole day.

- By contrast, first period at Eastern High School is a short advisory period, but if students miss that class their attendance level for the day is at 80% and if they miss another class they are below the threshold of present.
- All the interviewed school personnel contended that the technology systems in use at their schools to record student attendance did not align with the principles of 80/20 rule. They noted that DC STARS, DCPS's student information system, records only the class *periods* at which students are present, not their *time* of arrival. Thus, at Wilson High School, for example, students who arrive after first period, or after 9:20 a.m., are marked as absent for the entire day, even though technically they have until 10:06 a.m. before they hit the 20% threshold.
- The school officials also stated that they do not have enough staff or resources to keep up with all the documentation requirements necessary to comply with the new compulsory attendance laws given the 80/20 rule. They cited the following challenges:
 - Most have one or, at most, two attendance counselors, who are charged with myriad tasks, including monitoring student attendance, issuing the necessary truancy notification correspondence, coordinating and holding SST meetings, conducting home visits, and making court referrals.
 - The tight constraints of the 80/20 rule require them to do a lot of “backpedaling” to track whether students have truly unexcused absences or whether they are attending school-related events, forgot to sign into classes, or arrived late and their teachers forgot to mark them as present. As a result, the school officials maintained that the attendance accounting work “snowballs” very quickly and can cause the misperception that their schools are “not doing their job” of ensuring student attendance. They also noted that their attendance counselors were spending an inordinate amount of time correcting attendance data to comply with the 80/20 rule’s recordation requirements.
 - Many school leaders and staff members also claimed that they worried that they are focusing too many of their schools’ resources on complying with the 80/20 law to the detriment of those students who really are chronically truant.

System-Level Perspectives on the 80/20 Rule

State Board staff also met with Dr. Art Fields, Director of the DCPS Office of Youth Engagement, and Ms. Andrea Allen, Director of Student Attendance for DCPS, on March 6. Mr. Fields indicated that DCPS is very supportive of the 80/20 rule and would not be advocating for a change in the rule for the foreseeable future. Though Ms. Allen stated that the rule has not had as big of an impact on schools as DCPS anticipated, she agreed with the interviewed school officials’ view that its implementation was proving challenging for some schools. The primary challenge both she and Dr. Fields noted, is that the structure of high school schedules does not align well with the new policy. The secondary challenge, in their view, is that schools have different policies for late arrivals, and that can influence whether students are marked as present or absent for first period. They also pointed out that since most teachers take attendance at the beginning of class, changing the attendance status of students who arrive late can be onerous.

Fields and Allen pointed out that DCPS currently allows schools to set their own policies and practices for late arrivals, but they acknowledged that setting clearer parameters and guidance might be beneficial to schools. Ms. Allen agreed to ask school-based DCPS attendance specialists and policy compliance staff for their recommendations on how to address the challenges some schools have faced in implementing the new compulsory attendance requirements. She also indicated that she would request data that could show attendance patterns under the old attendance rule, which defined present as attending at least 60% of the school day (a 60/40 rule) and under the new 80/20 rule. *(Those data, however, were never provided to the State Board.)*

Fields and Allen pointed out that during the first half of the 2013-2014 school year, the Child and Family Services Agency (CFSA) reported a corresponding 20% decrease in the number of referrals for educational neglect. They cautioned that this reduction may have been due to a data “lag” because students are required to have a meeting with their respective School Support Teams (SSTs) before being referred to CFSA. They noted, however, that SST compliance rates at DCPS schools were likewise low, stating that “as of January 5, 2014, 8,105 attendance-related SSTs were needed and schools held 2,902, a compliance rate of approximately 35%.”⁷

Importantly, DCPS’s CFSA referral rates dropped during the first year of implementation of the new compulsory attendance regulations. In the 2013-2014 school year, the compliance rate for CFSA referrals was 46% for both DCPS and PCSB; referrals to Court Social Services Division (CCSD) had compliance rates of 19% for DCPS and 28% for PCSB. In the 2012-2013 school year, DCPS referred 63% of eligible students to CFSA and 57% of eligible students to CCSD. It attributed these declines to the increased focus placed on holding SST meetings, but compliance with CFSA referrals may also have been influenced by school-level officials’ knowledge of students’ particular circumstances and their perceptions that individual student’s situations did not warrant a referral.

The story on the PCSB side was the complete opposite. The PCSB does not require its charter school members to submit data on their compliance with holding SST meetings,⁸ yet it reported that charter schools’ referral rates to CFSA increasing from 18% to 46% during 2013-14. It attributed this increase to increased effort in reaching out to schools and prompting them to send their reports into CFSA.

Advocacy-Organization Perspectives on the 80/20 Rule

Board staff also discussed the 80/20 rule, its implementation, and its implications with representatives from several advocacy organizations.⁹ These advocates’ narratives on truancy focused extensively on school climate and problems with the implementation of the new attendance laws. They overwhelmingly maintained that school climate plays a major role in student attendance, not just in terms of safety and engagement, but also with regard to whether or not students perceive that they are welcome at school. Eduardo Ferrer of DC Lawyers for Youth, for instance, stated that schools often are very explicit about who they want to educate and who they do not. He added that this can be done formally, through suspensions and expulsions, and informally, by sending the message to certain children and families that they are not welcome.

⁷ DC Public Schools, FY2013 Performance Oversight Responses (p. 88). Retrieved on March 18, 2014 from http://dccouncil.us/files/performance_oversight/DCPS_2013_Performance_Oversight_Responses_020714_FINAL.pdf.

⁸ As stated by Rashida Kennedy, Manager, PCSB Equity and Fidelity at the State Board’s Roundtable on Chronic Absence (June 12, 2014).

⁹ DC Alliance for Youth (DC AYA), DC Lawyers for Youth, Children’s Law Center and Critical Exposure.

Several advocates commented that implementation of the new compulsory attendance rules was being affected both by how student attendance data is collected and by the level of knowledge and understanding school faculty and staff have about the new laws. They noted, for example, that student attendance at most schools is taken by teachers, but that in some schools it is recorded through student sign-in. This, he suggested, leads to great variability in results both across and within schools. Others pointed out inconsistencies in how school personnel implement and understand attendance policies, noting that school security guards are often the gatekeepers to the school buildings and are often left to make judgment calls about which students to let in and which students to shut out. Many high schools, advocates contended, simply do not have strong policies and procedures in place for dealing with late arrivals, with some allowing their students to simply go to class late, while others hold students in the cafeteria until the start of the next period. None of the advocates could provide any examples of District schools that have exemplar policies and procedures for late arrivals.

The advocates focused heavily on other issues as presenting more challenges to overcoming the District's truancy and absenteeism problems than the new attendance rules and regulations. DC AYA staff suggested that transportation is another major barrier to student attendance. They indicated that their organization is currently working to get the District Department of Transportation's citywide Kids Ride Free program expanded to students up to age 24 and to include Metrorail, in addition to Metrobus, in the program. Other advocates called for increased funding for student transportation subsidies and for LEAs to become more inventive about providing transportation for their students, (for example, by creating specialized bus systems for students, such as Capitol Hill parents who send their kids to Yu Ying have done by banding together to pay for a private shuttle to transport their children to and from school).

Few of the advocacy group representatives provided much in the way of specific suggestions about "what works" to help reduce truancy and promote student engagement. Mr. Ferrer, however, pointed out that successful schooling models, such as career academies, might go a long way toward achieving these goals by promoting much stronger connections between students and schools, partly because of the greater relevance of such schools' curricula. He also contended that the conversation should be shifted away from truancy and directed toward student engagement, which also encompasses student attendance, discipline, and school climate. He suggested that the State Board might be more effective by providing leadership on student engagement and helping to promote that issue by holding a public hearing and compiling a report on the topic, by offering a series of recommendations based on the outcomes of that hearing, and then enlisting a network of advocacy organizations to push DCPS, PCSB, and the Council to give strong consideration to those recommendations and to implement programs and policies that squarely promote student engagement.

Truancy Task Force Perspectives on the 80/20 Rule

At the meeting of the Truancy Task Force State Board staff attended, summative data for the 2013-14 school year was presented that showed dramatic declines in chronic truancy rates. Additional data presented showed that DCPS schools experienced an 8.8 percent decrease in chronic truancy during the 2012-2013 school year, going from a chronic truancy rate of 26.9% to 18.1%. The charter school sector saw a 4-percentage-point decline, dropping their chronic truancy rate from 19% to 15%. The Task Force's data highlighted trends among DCPS schools showing that these decreases largely occurred in the middle (6-8) and high school grades. In the middle grades, rates of chronic truancy dropped by over 20 percentage points. For example, for grade 6 students, the rate fell from 31.6% in the 2012-2013 school year to 9.5% in 2013-2014 school year. High schools were shown to have experienced major declines as well, specifically in the 11th grade, where chronic truancy rates dropped from 72.7% to 49% during the course of one school year. Declines noted in the public charter schools were not as extreme. For example, many charter school grade students mirrored the average decline of 4%, which may be due to the fact that chronic truancy rates in the charter sector were not as high as those in DCPS to begin with.

Truancy Roundtable Summary

A conundrum

Chief among the findings from the State Board staff's interviews was that school-level perspectives on the challenges of implementing the revised compulsory attendance regulations directly contradicted the data collected at the school-system level. DCPS, PCSB, and OSSE data show declines in rates of chronic truancy across schools throughout the District since the implementation of the 80/20 rule. Strong assertions by the school-based leaders and personnel spoke to the contrary. During the November 2014 public roundtable on truancy and the 80/20 rule, convened by the State Board, Board member Anderson, chair of the Board's Truancy and Student Engagement Committee, repeatedly pressed the attendees—who represented a broad spectrum of education stakeholders—to explain how and why key parties held such contrasting perspectives on the issue. How could the "official" data on truancy show improvements across the board while officials based in several of the city's schools, particularly its comprehensive high schools, insist that the opposite is true—that implementation of the new rule has led to the over-identification of tardy students as truant, that the reporting workload associated with the new regulations is overwhelming their staffs, and that the and resources to help students who really needed support to arrive on time and stay in school is lacking?

The answers offered to this question by the roundtable participants were inconclusive, mostly based on conjecture, and pointed to the need for a comprehensive study. The following is a summary of their comments:

OSSE's Jeff Noel, Assistant Superintendent for Assessment, Accountability, and Research, suggested that heightened interagency collaboration in making attendance a prominent issue in the District, including the Raise DC effort, may have contributed to the attendance improvements highlighted in his agency's data. He shared that the 80/20 rule was developed based on conversations with other urban centers and a review of national research, but recommended that more research be conducted into the 80/20 rule over time. He also suggested that it might be worth exploring the model used in Detroit to fast-track referrals for students who are identified as particularly high risk of chronic truancy.

Christina Setlow, Director of Policy, Legislative, and Intergovernmental Affairs at OSSE clarified the history around the laws that affect truancy in the District and what areas fall under OSSE's authority. She responded to some of the participants suggestions that the 80/20 rule be revised by noting that any changes to the attendance regulations could only be made by the DC Council and that OSSE's hands with regard to the Council's actions are tied in many respects. She noted that although OSSE has authority over the 80/20 rule because it is part of the regulations, any changes to those regulations would need to be approved by the State Board.

From the District-level perspective, **DCPS's Andrea Allen, Director of Attendance & Support Services**, explained that while DCPS will continue to issue automated truancy notification letters, her office will work more closely with the District Office of the Attorney General to reconnect students such as runaways and those who have been referred for court social services back to their schools so that they can re-enroll and achieve better attendance results.

Arthur Fields, DCPS's Deputy Chief of the Office of Youth Engagement, noted that many of the District's older (high school) students are sometimes placed in the role of a parent and made responsible for taking their siblings to school. He stated that he was aware that such students are often late to school and that if they miss one period as a result, they may feel a disincentive to stay for the rest of the school day since they will be marked absent. He further acknowledged the difficulties school staff face in determining whether to tell these students in that situation that they should come to school, but he encouraged school staff to work more closely with families to help students who must play almost a parent role, even though DCPS does not have sufficient staff to address this issue successfully. Mr. Fields echoed Principal Jackson's comments about providing expanded transportation options for students, but he also shared data from a pilot study that provided free Metro cards to DCPS students to determine how big a difference train subsidies could make on attendance. That study, he noted, suggested that most students do not want to ride on the city's Metro buses, and he concluded that a multifaceted approach is needed to address truancy and absenteeism in the District. .

The **PCSB's Tim Harwood** opined that the 80/20 rule did not appear to have led to higher truancy rates across the District according to reported data. He further stated since the rule was implemented his organization had become increasingly proactive about informing its schools about the changes and expectations associated with it and about holding them accountable for their truancy rates, thus contributing to truancy rate declines.

Stephen Jackson, principal of DCPS' Dunbar High School, claimed that comprehensive high schools face serious problems with the 80/20 rule due particularly to the 4x4 scheduling structure at several of those schools. Under this structure, he noted, students who miss even one period have missed 25% of the day and therefore must be marked absent for the whole day. Given his school's significant tardiness levels, which he attributed to his students' and families' significant transportation, poverty, and other challenges, Dunbar faced higher than normal truancy rates, not declining ones. He asserted that this was the case, even though he has 10 to 15 staff people working on truancy-related issues on a daily basis, his school's SSTs meet with 5 to 10 parents each day, and his staff completes numerous home visits and court referrals each week. Mr. Jackson suggested that the District's new attendance rule be revised, noting that most other school jurisdictions nationwide use a 70/30 or 60/40 ratio. The 80/20 rule, in his experience in other school districts, simply does not make sense since some District students must miss a portion of the school day to attend doctor's appointments or other legitimate activities while other students need more support to get to and from school, and they should not be penalized for that. He also advocated for more holistic solutions to this issue such as free transportation for students on both Metro buses and trains. He noted that some Dunbar students must take two to three buses to get to and from school. He further suggested that schools offer students a hot, healthy breakfast each morning, made up of "real" food. If schools provide an environment where students know they will be fed and helped to get to and from school, he claimed, more students would come to school on time.

Principal Jackson's claims were echoed by **Bruce Jackson (no relation), Assistant Principal at Cardozo Education Campus**, who claimed that the 80/20 rule has also caused his school's truancy rate to increase. He asserted that the increase in identification of truant students has overwhelmed his staff, who must now spend their time completing CFSA and CCSD referrals rather than helping students.

Another DCPS school-level representative, **Quinn Flowers, a social worker at Roosevelt Senior High School**, said that the 80/20 rule is causing students who miss only one out of her school's four periods to be marked as absent. She maintained that the resulting higher absentee level is not an accurate representation of attendance at her school.

Sharona Robinson, parent and president of the Ballou Senior High School PTSA said that school attendance counselors have been buried in attendance and court social services paperwork since the 80/20 rule went into effect. She commented that school staff are increasingly challenged to complete the rule's new clerical compliance tasks and also find time to meet with families to develop individualized plans that address for student attendance. She indicated that parents have lacked information on the new rules and only find out about the changes after receive the "5-day letter" mandating their appearance at the school for a meeting to discuss attendance problems or a visit from the MPD about their children's truancy or absences. She concurred that students may not have an incentive to attend once they realize that they have missed 20% of the day and will be marked absent anyway. She also suggested that schools across the city were not being held to the same standards around what constitutes an excused absence.

Arianna Rodriguez, representing the Maya Angelou Charter School, posited that some charter schools may have broadened their excused-absences policies in response to the new rule. She also surmised the worst-case scenario echoed by many of the public school personnel: that some students may have just left school altogether rather than accumulate additional absences as a result of the new rule's application. She noted that runaway students create a particularly difficult compliance challenge under the 80/20 rule and that parents need reassurances that they will not be receiving a flood of automated notices or paperwork from the school regarding their children's absences after they have reported them as runaways. Rodriguez then posed a question: Should the schools spend time sending out automated letter or should they help families troubleshoot the issue? She responded by stating her belief that the 80/20 rule is an attempt to push the envelope in getting students to school on time and staying for the full day, but at the school level it is making it difficult for schools to identify which students are absent for high-risk reasons and which are not. She also stated that many service agencies are being flooded and made to figure out whether school attendance issues are related to transportation issues or to other substantial issues in the home that are preventing students from attending school.

Representing the education advocacy sector, **Tatisha West, of the Georgia Avenue Family Support Collaborative**, spoke up about her organization's relevant advocacy activities serving poor and English-language learning families faced with their children's truancy and absenteeism challenges. She shared perspectives on what her organization was seeing as trends in school-related absences among the populations it serves, notably big increases in kindergarten and first-grade enrollments especially among Latino parents. **Karen Wilson of the Southeast Family Strengthening Collaborative**, discussed the role her organization plays in providing services offered through the Justice Grants Administration's Show Up, Stand Out program, which provides case management and wraparound services to families with students who have accrued five to nine unexcused absences. She focused on the many issues that can impact student attendance, including homelessness, poverty, unemployment and mental health problems, and stressed the need for schools and school partners to provide creative incentives for students to come to school and stay in school.

Tim Rivera, a staff attorney with Advocates for Justice in Education, shared an example of a student he had represented whose attendance issues resulting from the new 10- and 15-day notification regulations (not the 80/20 rule specifically) took a very long time to be resolved. That student, he noted, had been placed out of state by the juvenile justice system and was then not allowed back into her public charter school in the next semester because her absences were not counted as excused. His perspectives were echoed by **AJE's Director of Legal Services and Advocacy, Rochanda Hiligh-Thomas**, who raised two additional concerns. She first questioned the policy some schools have adopted to the effect that three tardy arrivals equal one absence, noting that this fails to take into account how late students arrived to class. She also asked for clarification about the due-process procedures for parents to challenge students' tardiness or absences under the new rules. **(OSSE's Elisabeth Morse** responded to the latter question by explaining that each LEA has its own internal due-process procedures.)

Katie Dunn, of DC Alliance of Youth Advocates raised concerns that increasingly labeling children as truants, which she perceived as a by-product of the 80/20 rule, might cause additional problems for them in the juvenile justice system. She spoke about what she saw as the "ripple effect" the new regulations have had on other providers working in schools, such as afterschool programs. She noted, for example, that the PASS program is completely overwhelmed because schools do not have the administrative capacity to go through the list of truants such that the waiting list has reached nearly a thousand students. She maintained that the new truancy regulations have "jammed up" the entire system of education in the District of Columbia She also suggested that the new mayoral administration look into providing expanded Metro transportation incentives for students.

Alex Peerman of DC Lawyers for Youth commented that neither the DC school systems nor court system have the capacity to serve the challenges presented by the 80/20 rule and the new attendance regulations. He argued that the Attendance Accountability Act has driven a large increase in the number of petitions for youth to be placed in need of supervision (PINS). He called for two solutions: provide more funding for early interventions and replace the 80/20 rule with a more feasible one.

A written statement, submitted in absentia by **Cathy Reilly, president of DC SHAPPE**, asserted that families, students, and school-level staff perceive the 80/20 rule as unfair because it equally punishes students who attend school for only a portion of the day and students who make no effort to attend at all. It also noted that many families have expressed concern that the list of excused absences specified in the new regulations is not inclusive of a number of legitimate reasons. The statement concluded by asking that the rule be changed to reflect a 60% rather than the 80% acceptable attendance level.

Other public stakeholders included **Sarah Louise Spence, a Ward 6 resident**. Ms. Spence indicated that she attended the roundtable to learn more about the history and origins of the policy and the problems the policy was meant to address.

Sheila Carson Carr, ANC Commissioner (7F03), added that DC's schoolchildren are being "burned" by the 80/20 rule, comparing the situation resulting from the new rule to the workplace setting. If adults were told that they would not get paid a day's wages if they worked only 80% of the day, she posited that no adult would stay on the job for that day. She also claimed that school climate plays a big part in truancy matters and that being identified as a truant is harmful rather than helpful for students because of the stigmas associated with that label. She urged quick action to fix the problems she believed were associated with the 80/20 rule.

Karen Settles, ANC Commissioner (7F05), suggested that students be included in conversations about the 80/20 rule and its impact, and recommended that the State Board use those conversations as opportunities to teach students how to challenge such rules through a collective process. She spoke to the sense of hopelessness she perceived among some DC youth that going to school will be of no use to them and suggested that the new rule may be adding to this perception. She talked about the difficulty some students face in re-enrolling in school after having been incarcerated, and called for the school systems to employ liaison personnel who can help those students. She also suggested that materials explaining the new rule be written in student- and parent-friendly language.

The November roundtable did not solve the puzzle of why truancy rates have decreased. Nor did it reconcile the differing perspectives about whether the challenges many schools seem to be facing with regard to implementing the new regulations are attributable to those regulations. The State Board and others participants did agree, however, that additional and rigorous monitoring of the 80/20 rule's impact will be essential to determining if amendments must be made to the regulations governing truancy and absenteeism in the District. This will require additional consultation with relevant government agencies, including OSSE, the Deputy Mayor for Education, DCPS, PCSB, and other stakeholders to determine the level of support for amending the rule.

Any recommendation to amend the existing 80/20 rule will need to include sound rationale and evidence for why it must be changed, including an analysis of problems to be solved and how a change would ameliorate identified issues. The State Board would also need to consider the message it will be sending to the education sector and the public if it chooses to amend the rule and ultimately change the definition of present in District of Columbia schools.

The following next steps and recommendations emanated from the roundtable discussion on and State Board member assessments of the District of Columbia's current truancy and absenteeism rules and regulations.

- 1) Call for Office of the State Superintendent for Education (OSSE) to investigate the challenges and inconsistent findings reported by school-based administrators, along with practices employed at the school-level, in the recordation of student absences and tardies based on the 80/20 rule. OSSE shall provide a report of its findings to the Board and the Deputy Mayor of Education (DME) no later than August 30, 2015. The report shall include a proposal to implement solutions that ensure uniform, fair, and accurate reporting of absences and tardies across all District of Columbia schools or to make adjustments to the definition of "present" within the schools.
- 2) Call for OSSE to evaluate the impact of the District of Columbia's attendance regulations, including the 80/20 rule, on students, their families, the criminal justice and human service (e.g., CFSA) systems, and school climate. The report shall be delivered to the State Board no later than December 31, 2016, and shall include a cost-benefit analysis related to full compliance with compulsory attendance regulations.
- 3) Advise the Council of the District of Columbia to appropriate funds for the development and implementation of solutions that will ensure uniform implementation of the District's school attendance laws, support school-based administrative staff in the accurate reporting of student attendance, and strengthen truancy prevention work in schools.
- 4) Call for OSSE to conduct research on truancy-prevention practices and strategies in the District of Columbia as well as in other districts and states, including an investigation into the background and rationale for implementing the 80/20 rule, and report to the State Board no later than December 31, 2015.
- 5) Advise the DME, in consultation with DCPS and the Public Charter School Board, to investigate the limitations of compulsory attendance regulations on student learning that extends beyond the classroom, with particular focus on potential changes in practice which could include expansion of the definition of "excused" absences to include guided learning opportunities that extend beyond the classroom.
- 6) Advise the Council and the Mayor to consider expansion of the District's Department of Transportation's (DDOT) student transit subsidy program to include free Metrorail passes for students to travel to and from school and possibly to provide free transportation for parents/guardians of young students to accompany their children to and from school on the bus and Metrorail.

Research¹⁰ suggests that involving families and communities can improve student attendance and foster academic success. Such initiatives could go a long way to curbing the District's truancy problem.

¹⁰ [Present and Accounted For: Improving Student Attendance Through Family and Community Involvement](http://silverbeach.bellinghamschools.org/sites/default/files/silverbeach/dnew/present%20and%20accounted%20for.pdf). Epstein, J. and Sheldon, S. Johns Hopkins University. The Journal of Educational Research, May/June 2002
<http://silverbeach.bellinghamschools.org/sites/default/files/silverbeach/dnew/present%20and%20accounted%20for.pdf>