

Testimony before the District of Columbia Council  
Committee of the Whole and Committee on Education  
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“Improving School Attendance: Truancy, Chronic Absenteeism,  
and the Implementation of Reform Initiatives”

Joyanna Smith

Ombudsman

Office of the Ombudsman for Public Education

Good morning, Chairman Mendelson and Council members. My name is Joyanna Smith and I am the Ombudsman for Public Education. The Office of the Ombudsman for Public Education is responsible for helping students and parents who have questions, concerns, or complaints regarding the District of Columbia Public Schools and public charter schools. The Office offers conflict resolution services and is committed to resolving complaints quickly and efficiently in all areas that affect student learning.

Since our office's re-establishment 3.5 years ago, we have received many calls from parents asking for our help with students who are not attending school. In our testimony before the Committee of the Whole and the Education Committee in June of 2015, we shared that it is common among truant students that truancy is not typically a problem in itself but a symptom of an unmet need.

While there are a number of discussions about how to address chronic absenteeism such as improving parent engagement, improving cross-agency collaboration on meeting the needs of the "whole child", and engaging in other attendance oriented initiatives to ensure that students come to school regularly and on time, we offer a few case examples of actions of how students are negatively impacted when schools fail to address the problems they are actually empowered to resolve. I offer three examples for your consideration:

- 1) Ms. Williams\* called our office about an investigation being conducted by CFSA regarding her daughter's truancy. Her daughter, Madison, is a second grader who is now enrolled at a public charter school.

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\* Names of students and families have been changed to protect confidentiality.

Madison has an IEP for a developmental delay, and used to attend another public charter school. Ms. Williams shared that Madison was not receiving the services she needed under her IEP, and she therefore decided not to re-enroll her student at her former charter school while she was on the wait list for another charter school. Consequently, her daughter has been out of school since the beginning of the school year. In the process of asking for withdrawal papers from her former charter school, Ms. Williams was contacted by CFSA due to truancy and has been under investigation ever since. Ms. Williams shared that her daughter will continue to be monitored by CFSA until she gets off the waiting list at another public charter school. What is unfortunate about this case is that Ms. Williams had a real problem. Her daughter, Madison, was not receiving the services she needed under her IEP. The mom resorted to extreme measures by keeping Madison out of school until she could enroll her in another school because she wanted Madison to receive the services she needed. However, if the former charter school had supported Madison at the school, then her mom would not have tried to move her to another school. Instead, in this case, as a city, we followed a punitive approach to addressing the family rather than offering the mom support to ensure her child received the services she needed.

- 2) In another case, a concerned friend of Ms. Dyer contacted our office because Ms. Dyer, who is homeless, had limited access to internet or phone. Ms. Dyer was worried about her daughter's safety while traveling to a far away DCPS school. While Anaiyah was commuting to school on public transportation, she was nearly abducted. While the police investigated the kidnapping, Ms. Dyer kept her daughter out of school. The school, aware of the attempted kidnapping, did not provide homework because they argued that Ms. Dyer voluntarily kept Anaiyah out of school, which meant that Anaiyah missed weeks of schoolwork. When Ms. Dyer attempted to enroll Anaiyah in a closer DCPS school so that Anaiyah would not be at risk again, the registrar at the second school said that they could not enroll Anaiyah because she was an out-of-boundary student. Accordingly, the

registrar at the second school insisted that Anaiyah had to remain enrolled at the in-boundary school, which was further away from her home and the route in which she encountered near abduction. The concern in this case, is that the school registrar, at the out-of-boundary school did not explore additional options for Anaiyah in order to keep her safe. Instead, while trying to figure out a way to keep her daughter safe, Ms. Dyer also faced the possibility of having her daughter treated as a truant student.

- 3) Mercedes Jones, a 12<sup>th</sup> grader, has known Lewis Richards since she was a baby, and believed Mr. Richards was her biological father. Though Mr. Richards has taken care of Mercedes all of her life, he did not have official custody. Mercedes' mom has been an inconsistent presence in her life, and Mr. Richards provided much needed stability. Mercedes' mom enrolled her in a Maryland school two years ago, but Mercedes was later barred from attending this school year since her mom never signed a form required for enrollment. Mr. Richards, who lives in DC, then attempted to enroll Mercedes in a DCPS school. Because he did not have paperwork proving his guardianship, the DC school would not let Mercedes enroll until the Maryland school sent over paperwork. This created an administrative issue since Mercedes' mom was the only parent listed at the Maryland school. Mr. Richards just wanted Mercedes in school, and so we provided Mr. Richards with the necessary OSSE Primary Caregiver forms used to confirm guardianship. Mr. Richards was eventually able to enroll Mercedes in a DC public school, but not before she missed months of school as he worked through the administrative issues. Again, this is an administrative concern that school-level personnel could have been helpful with in order to better support Mercedes and her father.

We know there are studies that show that reducing chronic absenteeism will improve student achievement. At 26%<sup>†</sup>, the

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<sup>†</sup> 2016-17 Deputy Mayor for Education. (November 2016). Truancy Taskforce Strategic Plan for Addressing Truancy & Chronic Absenteeism in the District of Columbia.

District's chronic absenteeism rate is twice the national average of 13%<sup>‡</sup>. High school students with disabilities and black students are 1.4 times as likely to be chronically absent<sup>§</sup>. In the District, chronic absence is defined as being absent-either excused or unexcused-for more than 10% of enrollment days across all schools and sectors in a given school year<sup>\*\*</sup>. Thus, chronic absence is a measure of how many school days a student misses for any reason. Broadly speaking, chronic absence is a broader measure than truancy, which only focuses on unexcused absences. It is true that improved school attendance improves student educational outcomes. However, we would be remiss in addressing school attendance and its connection to improved student educational outcomes if we did not also consider the school based practices, particularly in the areas of school discipline and special education, that contribute to students missing out on critical learning in the classroom.

## **Discipline**

We have observed schools with discipline practices that push students out of the classroom and eventually out of school. Informal suspensions cause students to miss days, weeks, or months of school. As a preview, in our upcoming annual report for SY16-17, we discuss practices in which schools repeatedly dismiss students early from school throughout the school year

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<sup>‡</sup> Education Trust. 2013-14 U.S. Department of Education Data. Retrieved from:

<https://edtrust.org/students-cant-wait/chronic-absenteeism/>

<sup>§</sup> Rafa, Alyssa. Education Commission of the States. (June 2017). Chronic Absenteeism: A Key indicator of Student Success.

<sup>\*\*</sup> Office of the State Superintendent of Education. (2016). State of Attendance: 2015-16 School Year. Retrieved from:

<https://attendance.dc.gov/sites/default/files/dc/sites/attendance/publication/attachments/OSSE-State-of-Attendance-15-16-Report.pdf>

and the issues that are causing behavioral challenges that are not addressed. A number of schools regularly engage in exclusionary practices by consistently removing students for half a day, which is within the discretion of a school leader. The Pre-K Student Discipline Amendment Act<sup>††</sup> does not consider the practice of being sent home early, nor the practice of school leaders requiring certain students to come in late, for disciplinary reasons, to constitute a form of suspension. The definition of “suspension” creates a legislative loophole allowing schools to repeatedly keep students out of school for numerous half days without having to document it as a suspension. Furthermore, since each early dismissal does not amount to one full school day, OSSE and other agencies monitoring disciplinary practices do not have a true sense of how many overall school days students, across both sectors, have been removed from school.

In addition, we have observed schools engaging in illegal disciplinary practices which result in students being out of the classroom (even if they are still in school) and thus, not learning. We will provide an example of such problematic disciplinary practices below:

For example, Ms. Tucker’s son, Tyrone, was placed in an in-school segregated setting because he had numerous behavioral issues. Ms.

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†† <http://lims.dccouncil.us/Download/33194/B21-0001-SignedAct.pdf>

Amends the Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 et seq.), Section 101 (D.C. Official Code § 38-271.01) by adding new definitions for "local education agency," "serious bodily injury," and "out-of-school suspension". It also adds a new section 303 to the Pre-K Enhancement law to restrict out-of-school discipline for pre-k age students. Bill 21-1 also amends Title II of the Attendance Accountability Amendment Act of 2013, effective September 19, 2013 (D.C. Law 20-17; D.C. Official Code § 38-235), by adding a new section 202 to establish annual reporting requirements for each local education agency on suspensions and expulsions data for all grades.

Tucker shared with our office that the DCPS school called this segregated setting an "alternative learning environment" where students with behavioral challenges were placed to help them better focus on their schoolwork. However, this segregated setting did not amount to a real classroom as it was staffed with a classroom aide and did not offer instruction during the school day. The students in this setting were also prohibited from participating in daily activities with their classmates. In this case, "Tyrone" was also denied the social-emotional benefits of interacting with his peers as he was separated into a restrictive setting with other students who exhibited behavioral challenges. In addition, their parents, including "Ms. Tucker", had no way to appeal this placement or even to know how long their children would be kept in this alternative setting because the removal wasn't documented in writing. An in-school suspension is defined in Chapter 25 of the DCMR as the "mandatory assignment of a student to attend an assigned alternative learning program...for a period not to exceed fifteen (15) school days." At the time of Ms. Tucker's call to our office, Tyrone had already been placed in the "alternative learning environment" for more than three weeks. When Ms. Tucker complained to our office, she also mentioned there were a number of other students in the "alternative learning environment" classroom and it was likely that those parents also had objections to their students being placed, for an indefinite duration, in this classroom and did not know where to turn for help.

When we first contacted the school principal about this alternative learning setting, she initially refused to move Tyrone back into his regular classroom, nor did she agree to put any limits on the use of the alternative setting for this student or others because she insisted that she had to keep the students out of the general education classroom due to their behavioral challenges. It was only after we escalated the case to the DCPS Office of the General Counsel and the DCPS Office of Specialized Instruction, with questions raised as to the legality of the practice that the school principal had engaged in, that the practice was immediately suspended and Tyrone was quietly "reintegrated" back into his general education classroom.

## **Special Education**

Unmet special education needs are another top reason that students miss school. Students with undiagnosed disabilities often act out and receive suspensions for behaviors caused by their disabilities. We still receive too many calls from parents who have been waiting months or years for their children to be evaluated for special education.

## **Conclusion**

I appreciate the opportunity to testify today, and look forward to working collaboratively with the Council, city agencies, local organizations, and families to improve attendance for all students, and ultimately, educational outcomes for all students.

If parents, families, and students have concerns or complaints about truancy, bullying, special education, school discipline or any other issue, they can reach our office by calling us at (202) 741-0886, emailing us at [ombudsman@dc.gov](mailto:ombudsman@dc.gov), or visiting us at [www.educationombudsman.dc.gov](http://www.educationombudsman.dc.gov).

Thank you for your time and I welcome any questions.