

ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 8-247

"District of Columbia Compulsory School Attendance Amendment Act of 1990".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-239 on first and second readings, December 4, 1990, and December 18, 1990, respectively. Following the signature of the Mayor on December 27, 1990, this legislation was assigned Act No. 8-331, published in the January 11, 1991, edition of the D.C. Register, (Vol. 38 page 376) and transmitted to Congress on January 15, 1991 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-247, effective March 8, 1991.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	15,16,17,18,22,23,24,25,28,29,30,31
February	1,4,5,6,7,19,20,21,22,25,26,27,28
March	1,4,5,6,7

AN ACT

D.C. ACT 8-331

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC. 27, 1990

To amend An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, to require parents, guardians, and others who have custody or control of minors who are already or will become 5 years of age on or by December 31st of the current school year to place these minors in regular attendance in public, independent, private, or parochial schools, or in private instruction; and to establish penalties for failure to assure the regular instruction of these minors.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Compulsory School Attendance Amendment Act of 1990".

Sec. 2. An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat. 806; D.C. Code, sec. 31-401 et seq.), is amended as follows:

(a) Articles I and II (D.C. Code, secs. 31-401 through 31-410) are amended to read as follows:

"ARTICLE I - DEFINITIONS"

"Sec. 1. Definitions.

"For the purposes of this act, the term:

"(1) "Board" means the District of Columbia Board of Education.

"(2) "District" means the District of Columbia.

"(3) "Minor" means a person who has not reached 18 years of age, pursuant to section 2 of the District of Columbia Age of Majority Act, effective July 22, 1976 (D.C. Law 1-75, D.C. Code, sec. 30-401) .

"(4) "School year" means the period, established by the Board, from the opening of regular school programs,

Section
31-401

typically in September, until the closing of regular school programs, typically in June.

"ARTICLE II - COMPULSORY SCHOOL ATTENDANCE

Section
31-402

"Sec. 1. Establishment of school attendance requirements.

"(a) Every parent, guardian, or other person, who resides permanently or temporarily in the District during any school year and who has custody or control of a minor who has reached the age of 5 years or will become 5 years of age on or before December 31st of the current school year shall place the minor in regular attendance in a public, independent, private, or parochial school, or in private instruction during the period of each year when the public schools of the District are in session. This obligation of the parent, guardian, or other person having custody extends until the minor reaches the age of 18 years. For the purpose of this section placement in summer school is not required.

"(b) Any minor who has satisfactorily completed the senior high school course of study prescribed by the Board, and has been granted a diploma that certifies his or her graduation from high school, or who holds a diploma or certificate of graduation from another course of study determined by the Board to be at least equivalent to that required by the Board for graduation from the public senior high schools, shall be excused from further attendance at school.

"(c) Any minor who has reached the age of 17 years may be allowed flexible school hours by the Superintendent of Schools provided he or she is actually, lawfully, gainfully, and regularly employed, but in no case shall he or she be excused entirely from regular attendance or excused to the extent that his or her timely graduation would be jeopardized or prevented.

"(d) The Board shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.) ("APA"), issue rules to establish requirements to govern acceptable credit for studies completed at independent or private schools and private instruction, to govern the validity of applications for permission to be absent from school, to govern the selection and appointment of appropriate staff members to carry out the provisions of this act under the direction of the Superintendent of Schools, pursuant to the District of Columbia Merit Personnel Act, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), and in respect to other matters within the scope of authority of the Board that relates to this act.

"Sec. 2. Enforcement; penalties.

Section
31-403

"(a) An accurate daily record of the attendance of all minors covered by sections 1 and 2 of this article shall be kept by the teachers of each public, independent, private, or parochial school and by every teacher who gives instruction privately. These records shall be open for inspection at all times by the Board, the Superintendent of Schools, school attendance officers, or other persons authorized to enforce this act.

"(b) It shall be the duty of each principal, head teacher, or school administrative officer as designated in each public, independent, private, or parochial school, and of each teacher who gives private instruction to report to the Board the school attendance of any minor covered by section 1(a) who is enrolled in a school or who is enrolled for private instruction and who is absent from school or instruction for more than 2 full-day sessions or 4 half-day sessions in any school month, along with a statement of the reasons for the absences.

"(c) The absence of a minor covered by section 1(a) without valid excuse shall be unlawful.

"(d) The parent, guardian, or other person who has custody or control of a minor covered by section 1(a) who is absent from school without a valid excuse shall be guilty of a misdemeanor.

"(e) Any person convicted of failure to keep a minor in regular attendance in a public, independent, private, or parochial school, or failure to provide regular private instruction acceptable to the Board may be fined not less than \$100 or imprisoned for not more than 5 days, or both for each offense.

"(f) Each unlawful absence of a minor for 2 full-day sessions or for 4 half-day sessions during a school month shall constitute a separate offense.

"(g) For the 1st offense, upon payment of costs, the sentence may be suspended and the defendant may be placed on probation.

"(h) For any person convicted under this section, the courts shall consider requiring the offender to perform community service as an alternative to fine or imprisonment or both.

"Sec. 3. Census of minors.

"The Board, or its designee, shall conduct, annually or as frequently as may be found necessary or desirable, a complete census of all minors 3 years of age or more who permanently or temporarily reside in the District. The census record shall be amended from day to day as changes of residence occur among minors within the age group and as other persons come within or leave the age group, and as other persons within the age group become residents of or leave the District. The census record of minors shall give

Section
31-404

the full name, address, sex, and date of birth of each minor, the school attended by him or her and, if the minor is not at school, the name and address of his or her employer, if any, and the name, address, telephone numbers, if any, and occupation of each parent or guardian.

"Sec. 4. Report of enrollments and withdrawals.

Section
31-405

"The principal or head teacher of each public, independent, private, or parochial school, and each teacher who gives private instruction, shall, in accordance with the rules adopted by the Board pursuant to title I of the APA, report to the Board the name, address, sex, and date of birth of each minor who resides permanently or temporarily in the District who transfers between schools or who enrolls in or withdraws from his or her school.

"Sec. 5. Penalty for failure to provide correct information.

Section
31-406

"Any parent, guardian, custodian, principal, or teacher of a minor who has reached the age of 3 years who willfully neglects or refuses to provide the information required by sections 1 through 5, or who knowingly makes any false statement, shall be guilty of a misdemeanor."

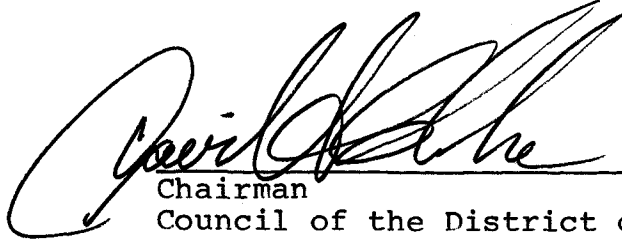
(b) Sections 1 and 2 of Article III (D.C. Code, sec. 31-411 and sec. 31-412) are repealed.

Sections
31-411
31-412

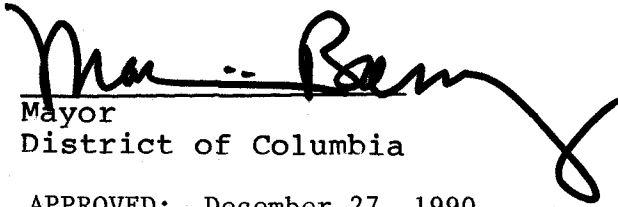
Sec. 3. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia

Statutes-at-Large, or the District of Columbia Municipal
Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: December 27, 1990



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B8-239

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 12-04-90

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Roseann Guro
 Secretary to the Council

12-20-90
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-18-90

VOICE VOTE: Approved

Recorded vote on request

Absent: Wilson

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Roseann Guro
 Secretary to the Council

12-20-90
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

 Secretary to the Council

 Date