

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 38.
EDUCATIONAL INSTITUTIONS.

CHAPTER 2.
COMPULSORY SCHOOL ATTENDANCE AND
EXPULSION.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 2. COMPULSORY SCHOOL ATTENDANCE AND EXPULSION.

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CHAPTER 2. COMPULSORY SCHOOL ATTENDANCE AND EXPULSION.

SUBCHAPTER I. SCHOOL ATTENDANCE.

§ 38-201. DEFINITIONS.

For the purposes of this subchapter, 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 § 46-101.
- (3A) "School-based student support team" means a team formed to support the individual student by developing and implementing action plans and strategies that are school-based or community-based, depending on the availability, to enhance the student's success with services, incentives, intervention strategies, and consequences for dealing with absenteeism.
- (4) "School year" means the period from the opening of regular school programs, typically in September, until the closing of regular school programs, typically in June.

(Feb. 4, 1925, ch. 140, Art. I, § 1, as added Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376; Oct. 26, 2010, D.C. Law 18-242, § 3(a), 57 DCR 7555; June 7, 2012, D.C. Law 19-141, § 302(a), 59 DCR 3083.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-401.

Effect of Amendments

D.C. Law 18-242, in par. (4), deleted ", established by the Board," following "period".

D.C. Law 19-141 added par. (3A).

Temporary Amendments of Section

For temporary (225 day) law authorizing the Superintendent of D.C. Public Schools to remove a student involved in a dangerous crime, see § 2 of Attendance and School Safety Temporary Amendment Act of 2001 (D.C. Law 14-7, June 14, 2001, 48 DCR 3516).

Section 8(b) of D.C. Law 14-7 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) law authorizing the Superintendent of D.C. Public Schools to remove a student involved in a dangerous crime, see § 2 of Attendance and School Safety Emergency Amendment Act of 2001 (D.C. Act 14-24, March 28, 2001, 48 DCR 3315).

Legislative History of Laws

Law 8-247 was introduced in Council and assigned Bill No. 8-239, which was referred to the Committee on Education and Libraries. The Bill was adopted on first and second readings on December 4, 1990, and December 18, 1990, respectively. Signed by the Mayor on December 27, 1990, it was assigned Act No. 8-331 and transmitted to both Houses of Congress for its review.

Law 14-7, the "Attendance and School Safety Temporary Act of 2001", was introduced in Council and assigned Bill No. 14-85, which was retained by Council. The Bill was adopted on first and second readings on February 6, 2001, and March 6, 2001, respectively. Signed by the Mayor on March 22, 2001, it was assigned Act No. 14-37 and transmitted to both Houses of Congress for its review. D.C. Law 14-7 became effective on June 13, 2001.

Law 18-242, the "Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-529, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 15, 2010, and July 13, 2010, respectively. Signed by the Mayor on July 30, 2010, it was assigned Act No. 18-493 and transmitted to both Houses of Congress for its review. D.C. Law 18-242 became effective on October 26, 2010.

Law 19-141, the "South Capitol Street Memorial Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-211, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on March 6, 2012, and March 20, 2012, respectively. Signed by the Mayor on April 10, 2012, it was assigned Act No. 19-344 and transmitted to both Houses of Congress for its review. D.C. Law 19-141 became effective on June 7, 2012.

§ 38-202. 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 September 30th 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 subchapter I of Chapter 5 of Title 2, 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 chapter under the direction of the Superintendent of Schools, pursuant to Chapter 6 of Title 1, and in respect to other matters within the scope of authority of the Board that relates to this subchapter.

(Feb. 4, 1925, 43 Stat. 806, ch. 140, Art. I, §§ 1, 2; renumbered as Art. II, § 1 and amended, Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376; July 18, 2008, D.C. Law 17-202, § 604, 55 DCR 6297.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-402.

1973 Ed., §§ 31-201, 31-202.

Effect of Amendments

D.C. Law 17-202, in subsec. (a), substituted "September 30th" for "December 31st".

Temporary Addition of Section

Section 2 of D.C. Law 17-8 added provisions to read as follows:

"Sec. 1a. Establishment of standards for class exclusions and suspensions.

"(a) The Board of Education ("Board") shall adopt uniform disciplinary standards:

"(1) To determine when class exclusions will be the appropriate disciplinary measure for students;

"(2) To promote the education of students in the school, except for those students who may be a danger to the school's faculty, students, or others, where the student was placed prior to disciplinary action, and that prioritize consideration of the student's academic standing, the educational needs of the students, and the number of previous offenses.

"(b) The standards adopted under subsection (a) of this section shall include a progressive schedule of discipline which promotes the goal of in-class education for students subject to disciplinary action, beginning with in-class intervention strategies and ending with expulsion as the final and most extreme form of discipline, and to the extent consistent with this progressive schedule, it shall be the policy of the District of Columbia to prefer in-school disciplinary action, except for those students who may be a danger to the school's faculty,

students, or others.

"(c) The Board shall require a monthly report of disciplinary measures taken by each school regarding class exclusions and suspensions, including the rationale for the particular choice of discipline.

"(d) The Mayor shall provide for comprehensive inter-agency collaborative support programs, such as programs offered by the Department of Mental Health, the Department of Human Services, the Child and Family Services Agency, and the Department of Parks and Recreation, to assist the student subject to class exclusion at the school, except for those students who may be a danger to the school's faculty, students, or others, where the student was placed prior to the disciplinary action.

"(e) The Mayor shall make resources available to support the programs in subsection (d) of this section within the context of appropriated funds within the budget and financial plan."

Section 4(b) of D.C. Law 17-8 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) addition, see § 2 of Class Exclusion Standards Emergency Amendment Act of 2007 (D.C. Act 17-23, March 22, 2007, 54 DCR 2784).

Legislative History of Laws

For legislative history of D.C. Law 8-247, see Historical and Statutory Notes following § 38-201.

Law 17-202 the "Pre-K Enhancement and Expansion Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-537 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on May 23, 2008, it was assigned Act No. 17-399 and transmitted to both Houses of Congress for its review. D.C. Law 17-202 became effective on July 18, 2008.

§ 38-203. ENFORCEMENT; PENALTIES.

(a) An accurate daily record of the attendance of all minors covered by § 38-202 and this section 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 subchapter.

(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 § 38-202(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 § 38-202(a) without valid excuse shall be unlawful.

(d) The parent, guardian, or other person who has custody or control of a minor covered by § 38-202(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.

(i) Within 60 days after the end of a school year, each public, independent, private, or parochial school shall report to the Mayor, or the Mayor's designee, and make publicly available, the following data based on the preceding school year:

(A) The number of minors, categorized by grade, or equivalent grouping for ungraded schools, who had unexcused absences for:

(i) One to 5 days;

(ii) Six to 10 days;

(iii) Eleven to 20 days; and

(iv) Twenty-one or more days;

(A-i) [Not funded]

(B) The number of minors, categorized by grade, or equivalent grouping for ungraded schools, that the school reported to the Child and Family Services Agency pursuant to § 4-1321.02(a-1) and (a-2);

(B-i) [Not funded]; and

(C) The policy on absences, including defined categories of valid excuses, that it used.

(j) [Not funded]

(Feb. 4, 1925, 43 Stat. 806, ch. 140, Art. I, §§ 5-7; renumbered as Art. II, § 2 and amended, Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376; Oct. 26, 2010, D.C. Law 18-242, § 3(b), 57 DCR 7555; June 7, 2012, D.C. Law 19- 141, § 302(b), 59 DCR 3083.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-403.

1973 Ed., §§ 31-205 -- 31-207.

Effect of Amendments

D.C. Law 18-242 added subsec. (i).

D.C. Law 19-141 added subsecs. (i)(A-i), (B-i), and (j), but is not in effect. See Miscellaneous Notes.

Legislative History of Laws

For legislative history of D.C. Law 8-247, see Historical and Statutory Notes following § 38-201.

For history of Law 18-242, see notes under § 38-201.

For history of Law 19-141, see notes under § 38-203.

Miscellaneous Notes

Section 601 of D.C. Law 19-141, as amended by section 7004 of D.C. Law 19-168, reads as follows:

"Sections 302(b)(1), 304, and 502(a) shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan."

The fiscal effect of sections 302(b)(1), 304, and 502 of D.C. Law 19-141 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 19-141, are not in effect.

§ 38-204. 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, 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 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.

(Feb. 4, 1925, 43 Stat. 807, ch. 140, Art. II, § 1; renumbered as Art. II, § 3 and amended, Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-404.

1973 Ed., § 31-208.

Legislative History of Laws

For legislative history of D.C. Law 8-247, see Historical and Statutory Notes following § 38-201.

§ 38-205. REPORT OF ENROLLMENTS AND WITHDRAWALS.

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

subchapter I of Chapter 5 of Title 2, 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.

(Feb. 4, 1925, 43 Stat. 807, ch. 140, Art. II, § 2; renumbered as Art. II, § 4 and amended, Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-405.

1973 Ed., § 31-209.

Legislative History of Laws

For legislative history of D.C. Law 8-247, see Historical and Statutory Notes following § 38-201.

§ 38-206. PENALTY FOR FAILURE TO PROVIDE CORRECT INFORMATION.

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 §§ 38-202 through 38-206, or who knowingly makes any false statement, shall be guilty of a misdemeanor.

(Feb. 4, 1925, 43 Stat. 807, ch. 140, Art. II, § 3; renumbered as Art. II, § 5 and amended, Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-406.

1973 Ed., § 31-210.

Legislative History of Laws

For legislative history of D.C. Law 8-247, see Historical and Statutory Notes following § 38-201.

**§ 38-207. DEPARTMENT OF SCHOOL ATTENDANCE AND WORK PERMITS-
-CREATION.[REPEALED]**

(Feb. 4, 1925, 43 Stat. 807, ch. 140, Art. III, § 1; Mar. 8, 1991, D.C. Law 8-247, § 2(b), 38 DCR 376.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-411.

1973 Ed., § 31-211.

Legislative History of Laws

For legislative history of D.C. Law 8-247, see Historical and Statutory Notes following § 38-201.

**§ 38-208. DEPARTMENT OF SCHOOL ATTENDANCE AND WORK PERMITS-
-DIRECTOR; APPOINTMENTS.[REPEALED]**

(Feb. 4, 1925, 43 Stat. 808, ch. 140, Art. III, § 2; July 21, 1945, 59 Stat. 500, ch. 321, title V, § 21; Mar. 8, 1991, D.C. Law 8-247, § 2(b), 38 DCR 376.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-412.

1973 Ed., § 31-212.

Legislative History of Laws

For legislative history of D.C. Law 8-247, see Historical and Statutory Notes following § 38-201.

§ 38-209. COURT JURISDICTION.

The Family Division of the Superior Court is hereby given jurisdiction in all cases arising under this subchapter.

(Feb. 4, 1925, 43 Stat. 808, ch. 140, Art. III, § 3; May 29, 1928, 45 Stat. 1006, ch. 908, § 26; July 29, 1970, 84 Stat. 578, Pub. L. 91-358, title I, § 159(g).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-413.

1973 Ed., § 31-213.

SUBCHAPTER II. EXPULSION OF STUDENTS.

§ 38-231. EXPULSION OF STUDENTS WHO BRING WEAPONS INTO PUBLIC SCHOOLS.

Absent extenuating circumstances, as determined on a case-by-case basis by the Superintendent of Schools, and consistent with the Individuals With Disabilities Education Act, approved October 30, 1990 (104 Stat. 1141; 20 U.S.C. 1400 et seq.), any student who brings a weapon into a District of Columbia Public School shall be expelled for not less than one year.

(Apr. 9, 1997, D.C. Law 11-174, § 2(a), 43 DCR 4500.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-451.

Temporary Addition of Section

Section 2 of D.C. Law 11-173 enacted §§ 31-451 through 31-454, comprising subchapter II of Chapter 4 of Title 31 [1981 Ed.].

Section 4(b) of D.C. Law 11-173 provided that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary addition of subchapter, see § 2(a)-(d) of the Expulsion of Students Who Bring Weapons into Public Schools Emergency Act of 1996 (D.C. Act 11-289, July 1, 1996, 43 DCR 3711), § 2(a)-(d) of the Expulsion of Students Who Bring Weapons into Public Schools Congressional Review Emergency Act of 1996 (D.C. Act 11-398, October 9, 1996, 43 DCR 5692), § 2(a)-(d) of the Expulsion of Student Who Bring Weapons Into Public Schools Second Congressional Review Emergency Act of 1996 (D.C. Act 11-467, December 30, 1996, 44 DCR 172), and § 2(a)-(d) of the Expulsion of Students Who Bring Weapons Into Public Schools Congressional Review Emergency Act of 1997 (D.C. Act 12-22, March 3, 1997, 44 DCR 1770).

For temporary (90-day) authorization for payment of attorney fees, see § 2703 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90-day) authorization for comprehensive special education transportation plans, see § 2732 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90-day) authorization for payment of attorney fees, see §§ 2(c) and 3(c) of the Fiscal Year 2001 Budget Support Second Emergency Amendment Act of 2000 (D.C. Act 13-393, August 14, 2000, 47 DCR 7032).

Legislative History of Laws

Law 11-173, the "Expulsion of Students Who Bring Weapons Into Public Schools Temporary Act of 1996," was introduced in Council and assigned Bill No. 11-539, which was retained by the Council. The Bill was adopted on first and second readings on June 4, 1996, and July 3, 1996, respectively. Signed by the Mayor on July 19, 1996, it was assigned Act No. 11-322 and transmitted to both Houses of Congress for its review. D.C. Law 11-173 became effective on April 9, 1997.

Law 11-174, the "Expulsion of Students Who Bring Weapons Into Public Schools Act of 1996," was introduced in Council and assigned Bill No. 11-540, which was referred to the Committee on Education and Libraries. The Bill was adopted on first and second readings on June 4, 1996, and July 3, 1996, respectively. Signed by the Mayor on July 19, 1996, it was assigned Act No. 11-323 and transmitted to both Houses of

Congress for its review. D.C. Law 11-174 became effective on April 9, 1997.

§ 38-232. REFERENCE TO CRIMINAL JUSTICE OR JUVENILE DELINQUENCY SYSTEM.

Pursuant to the Gun-Free Schools Act of 1994, approved October 20, 1994 (108 Stat. 3908; 20 U.S.C. 8921 *et seq.*) the Superintendent of Schools shall refer to the criminal justice or juvenile delinquency system, simultaneous with expulsion, any student who is expelled for bringing a weapon into a District of Columbia Public School.

(Apr. 9, 1997, D.C. Law 11-174, § 2(b), 43 DCR 4500.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-452.

Temporary Addition of Section

See Historical and Statutory Notes following § 38-231.

Emergency Act Amendments

For temporary addition of subchapter, see note to § 38-231.

Legislative History of Laws

For legislative history of D.C. Law 11-173, see Historical and Statutory Notes following § 38-231.

For legislative history of D.C. Law 11-174, see Historical and Statutory Notes following § 38-231.

§ 38-233. ALTERNATIVE EDUCATIONAL PROGRAMS.

The Board of Education shall provide to any student who is expelled from school in accordance with this subchapter an alternative educational program at the D.C. Street Academy, at another existing alternative educational program, or at any alternative educational program that may be established in the future. Not later than 90 days after the effective date of this subchapter:

(1) The Mayor and the Board of Education shall submit a report to the Council delineating a comprehensive plan for providing alternative educational services to a student who has been expelled from a District of Columbia Public School setting.

(2) The comprehensive plan shall include a description of the alternative education services to be provided to an expelled student, each location where the alternative education services shall be provided, and the estimated annual cost of providing the alternative education services.

(Apr. 9, 1997, D.C. Law 11-174, § 2(c), 43 DCR 4500.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-453.

Temporary Addition of Section

See Historical and Statutory Notes following § 38-231.

Emergency Act Amendments

For temporary addition of subchapter, see note to § 38-231.

Legislative History of Laws

For legislative history of D.C. Law 11-173, see Historical and Statutory Notes following § 38-231.

For legislative history of D.C. Law 11-174, see Historical and Statutory Notes following § 38-231.

§ 38-234. DEFINITIONS.

(a) For the purposes of this subchapter, the term "weapon" means a firearm and includes:

(1) Any weapon, including a starter gun, which will or is designed to or may be readily converted to expel a projectile by the action of an explosive:

(2) The frame or receiver of any weapon described in this subsection;

(3) Any firearm muffler or firearm silencer; or

(4) Any destructive device; the term "destructive device" means:

(A) Any explosive, incendiary, or poison gas;

(B) Bomb;

(C) Grenade;

(D) Rocket having a propellant charge of more than 4 ounces;

(E) Missile having an explosive or incendiary charge of more than a 1/4 ounce;

(F) Mine; or

(G) Any similar device.

(5) Any type of weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than 1/2 an inch in diameter; and

(6) Any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraphs (e) and (f) of this paragraph and from which a destructive device may be readily assembled.

(b) The term "weapon" shall not include:

(1) An antique firearm;

(2) Any device which is neither designed nor redesigned for use as a weapon; or

(3) Any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device.

(Apr. 9, 1997, D.C. Law 11-174, § 2(d), 43 DCR 4500.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-454.

Temporary Addition of Section

See Historical and Statutory Notes following § 38-231.

Emergency Act Amendments

For temporary addition of subchapter, see note to § 38-231.

Legislative History of Laws

For legislative history of D.C. Law 11-173, see Historical and Statutory Notes following § 38-231.

For legislative history of D.C. Law 11-174, see Historical and Statutory Notes following § 38-231.

SUBCHAPTER III. TRUANCY AND DROPOUT PREVENTION.

§ 38-251. AUTHORITY OF POLICE OVER TRUANT CHILD.

(a)(1) The Office of the State Superintendent of Education, after consultation with the District of Columbia Public Schools, the Public Charter School Board, the Child and Family Services agency, and the Metropolitan Police Department, shall establish truancy centers in the District of Columbia for the delivery of truant public school and public charter school students by the Metropolitan Police Department.

(2) A law enforcement officer shall take to the nearest truancy center any child who the law enforcement officer has reasonable grounds to believe, based on the child's age and other factors, is truant from a public or public charter school on a day and during the hours when the public or public charter school is in session.

(3) The law enforcement officer shall take into custody any child who the law enforcement officer has reasonable grounds to believe is a truant from any independent, private, or parochial school on a day and during the hours when the independent, private, or parochial school is in session.

(b) On the request of a person who has reached the age of 18 years, graduated from high school, or received a general equivalency diploma, and who has previously been taken into custody pursuant to subsection (a) of this section, the Metropolitan Police Department shall seal all records relating to custody

authorized by subsection (a) of this section.

(Feb. 4, 1925, ch. 140, Art. II, § 6, as added Aug. 25, 1994, D.C. Law 10-159, § 3, 41 DCR 4884; Oct. 20, 1999, D.C. Law 13-38, § 1906, 46 DCR 6373; Aug. 16, 2008, D.C. Law 17-219, § 4014, 55 DCR 7598.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-402.1.

Effect of Amendments

D.C. Law 13-38 rewrote this section which formerly required a law enforcement officer to take a student or child into custody and deliver him to the appropriate school and also provided for sealing records pertaining thereto.

D.C. Law 17-219 rewrote subsecs. (a)(1) and (2), which had read as follows:

"(a)(1) The District of Columbia Public Schools shall establish a truancy center in each ward of the District of Columbia for the delivery of truant public school and public charter school students by the Metropolitan Police Department.

"(2) A law enforcement officer shall take to the truancy center, in the ward where the student is found, any child who the law enforcement officer has reasonable grounds to believe, based on the child's age and other factors, is truant from a public or public charter school on a day and during the hours when the public or public charter school is in session."

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 1906 of the Service Improvement and Fiscal Year 2000 Budget Support Emergency Act of 1999 (D.C. Act 13-110, July 28, 1999, 46 DCR 6320).

Legislative History of Laws

Law 10-159, the "Police Truancy Enforcement Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-248, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 7, 1994, and June 21, 1994, respectively. Signed by the Mayor on July 8, 1994, it was assigned Act No. 10-275 and transmitted to both Houses of Congress for its review. D.C. Law 10-159 became effective on August 25, 1994.

Law 13-38, the "Service Improvement and Fiscal Year 2000 Budget Support Act of 1999," was introduced in Council and assigned Bill No. 13-161, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 11, 1999, and June 22, 1999, respectively. Signed by the Mayor on July 8, 1999, it was assigned Act No. 13-111 and transmitted to both Houses of Congress for its review. D.C. Law 13-38 became effective on October 20, 1999.

Law 17-219, the "Fiscal Year 2009 Budget Support Act of 2008", was introduced in Council and assigned Bill No. 17-678, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 13, 2008, and June 3, 2008, respectively. Signed by the Mayor on June 26, 2008, it was assigned Act No. 17-419 and transmitted to both Houses of Congress for its review. D.C. Law 17-219 became effective on August 16, 2008.

Miscellaneous Notes

Short title: Section 4013 of D.C. Law 17-219 provided that subtitle G of title IV of the act may be cited as the "Truancy Centers Amendment Act of 2008".

§ 38-252. TRUANCY AND DROPOUT PREVENTION PROGRAM.

(a) Subject to the availability of appropriations, the District of Columbia Board of Education, or its successor, and the District of Columbia Public Schools shall offer a Truancy and Dropout Prevention Program for students who are enrolled in the District of Columbia Public Schools system. The programs should be implemented on a full-time basis, work with local schools and parents, and provide resources that will help reduce absences and unexcused absences, and reduce dropout and increase retention rates.

(b) The program shall develop a supportive relationship with the Metropolitan Police Department.

(c) The program shall be available for students who are enrolled in grades K-12 and for students who are enrolled in ungraded classes in elementary, middle or junior high, and high schools.

(d) Notwithstanding any other law, nothing in this section shall be construed to create an entitlement to a truancy or dropout prevention program for any student.

(March 26, 1999, D.C. Law 12-175, § 1202, 45 DCR 7193.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-471.

1981 Ed., § 31-1861.

Emergency Act Amendments

For temporary addition of subchapter see § 802 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794).

For temporary (90-day) addition of section, see § 802 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1999 (D.C. Act 13-41, March 31, 1999, 46 DCR 3446).

Legislative History of Laws

Law 12-175, the "Fiscal Year 1999 Budget Support Act of 1998," was introduced in Council and assigned Bill No. 12-618, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-399 and transmitted to both Houses of Congress for its review. D.C. Law 12-175 became effective on March 26, 1999.

Miscellaneous Notes

District of Columbia Public Schools Truancy and Dropout Prevention Program Act of 1998: Section 1201 of D.C. Law 12-175 provided that title XII of the act may be cited as the "District of Columbia Public Schools Truancy and Dropout Prevention Program Act of 1998."