

AN ACT

*Codification
District of
Columbia
Official Code*

2001 Edition

**2010 Fall
Supp.**

**West Group
Publisher**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to require persons required to make reports of neglected children to make a report of any child 5 through 13 years of age who is enrolled or should be enrolled in a grade from kindergarten to the fifth grade or the equivalent in an ungraded elementary school who has 10 or more days of unexcused absences from school within a school year; and 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 schools to provide data to the Mayor and the public relating to unexcused absences.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010".

Sec. 2. Section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02), is amended as follows:

**Amend
§ 4-1321.02**

(a) A new subsection (a-1) is added to read as follows:

“(a-1) A person specified in subsection (b) of this section shall report to the Child and Family Services Agency any child who is age 5 through 13 years and who has 10 or more days of unexcused absences within a school year, as that term is defined in section 1(4) of 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. Official Code § 38-201(4)).”.

(b) A new subsection (a-2) is added to read as follows:

“(a-2)(1) Each public, independent, private, or parochial school shall report to the Child and Family Services Agency any child who is 5 through 13 years and who has 10 or more days of unexcused absences within a school year, as that term is defined in section 1(4) of 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. Official Code

ENROLLED ORIGINAL

§ 38-201(4)); provided, that this provision shall not supersede section 2103.5 of Title 5 of the District of Columbia Municipal Regulations.

“(2) A report made pursuant to this subsection shall not be considered a child abuse or neglect report as that term is defined in section 104(17) of the Prevention of Child Abuse and Neglect Act of 1977, approved September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(17)) (“Act”), requiring an investigation pursuant to Title I of the Act.

“(3) This subsection shall expire upon the applicability of subsection (a-1) of this section, pursuant to section 4 of the Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010, passed on 2nd reading on July 13, 2010 (Enrolled version of Bill 18-529).”.

Sec. 3. 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. Official Code § 38-201 *et seq.*), is amended as follows:

(a) Section 1(4) (D.C. Official Code § 38-201(4)) is amended by striking the phrase “, established by the Board,”.

Amend
§ 38-201

(b) Section 2 (D.C. Official Code § 38-203) is amended by adding a new subsection (i) to read as follows:

Amend
§ 38-203

“(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;

“(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 section 2(a-1) or (a-2) of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(a-1) and (a-2)); and

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

Sec. 4. Applicability.

Section 2 shall apply as follows:

(1) Subsection (a) shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

(2) Subsection (b) shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia