



# chairman's update

the NEWSLETTER of  
DC Council Chairman Phil Mendelson

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## TRUANCY REFORM & IMPROVING SCHOOL ATTENDANCE

I held a joint oversight hearing with the Council's Education Committee on September 20<sup>th</sup> to receive testimony from government witnesses and partners, including the Office of the Deputy Mayor for Education, the Office of the State Superintendent of Education, the Child and Family Services Agency (CFSA), the DC Public Schools, the Public Charter School Board, and the Office of Victim Services and Justice Grants, regarding the District's efforts to improve school attendance and to reduce truancy. Additionally, the hearing considered continued implementation of initiatives required by D.C. Laws 18-242, the "Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010," 19-141, the "South Capitol Street Memorial Amendment Act of 2012," 20-17, the "Attendance Accountability Amendment Act of 2013," and 21-140, the "School Attendance Clarification Amendment Act of 2016." Improving school attendance improves educational outcomes. Targeting truancy is also a strategy for identifying children at risk of involvement in the juvenile justice system.

The issue of truancy has been under the joint jurisdiction of the Committee of the Whole and the Committee on Education since I became Chairman of the Council in 2012. The reason for this is that in my prior role as Chairman of the Council's Judiciary Committee, I saw a nexus between truancy and juvenile justice. Indeed, the *South Capitol Street Memorial Amendment Act of 2012* was adopted in response to a drive-by shooting that killed or injured nearly a dozen youth. It was no surprise to find that the perpetrators of that horrible violence had had a history of truancy. We realized that truancy was a self-indicator of children at risk – at risk of failing; at risk of dropping out of school; at risk of perpetuating the cycle of poverty; even at risk, for some, of falling into the juvenile justice system.

The purpose of the reporting requirements and interventions in the laws is to enable child welfare advocates to take a look – very simply, to take a look – at truants to see if there is something malevolent, like abuse or neglect, or significant dysfunctionality in a child's home or life. Those factors can make it likely that a juvenile will act out in violence. This nexus underlies the longstanding interest among the courts, police, and our Attorney General to focus on truancy: to use truancy as a red flag for risk.

Let me be clear: the point is not to criminalize truancy. Not at all. But truancy is a means to identify kids at risk, and thereby enable city agencies to focus interventions to help. Interventions like mental health treatment, individualized education plans, or even CFSA action.

There is a collateral benefit, and that is from the educational perspective. Youth who are not in school cannot learn. Focusing on truancy increases in-seat attendance. That is a good thing. But I am afraid that education officials get too caught up in the attendance side of truancy – understandably – and overlook the pathological side.

Kids miss school because there is something wrong. Approaching truancy as merely an attendance issue misses that point. Messaging with families "to both discourage absence and encourage attendance" – quoting from this year's DCPS Truancy Report, overlooks the fact that posters and text messages don't affect abuse and neglect, or trauma, or depression, or the other dysfunctions that are hurting our kids.

We have made too little progress. Officials are not seeing the focus on truancy as a means to identify underlying problems that are not simply about attendance, problems that are putting children at risk. 13% of DCPS kids missed over four weeks of school last year, and 28.7% missed over 10 days, unexcused. The public charter schools were little better at 24.5%.

We cannot continue with a business-as-usual approach if we want every child to have a chance at the American Dream.

## Constituent Services Corner

Each August the Chairman's constituent services staff teams up with a local barbershop to provide free back-to-school haircuts for DC Public and Charter school students before they return to class. For the past two years, the barbers at Davis Barbershop on Livingston Road SE have done the work and provided dozens of haircuts for our students.

This service sends a positive message to students about going to school. Not to mention this is small financial boost for low-income families, and those with multiple school-age children.

The Chairman's office is grateful to Derek Davis and the barbers of Davis Barbershop for lending a hand to DC school children and continuing to be a cut above the rest.

**Contact our Constituent  
Services Team at  
(202) 724-8032**



## WAGE FAIRNESS FOR TIPPED WORKERS

Bill 22-913, the “Tipped Wage Workers Fairness Amendment Act of 2018,” was introduced in July by 7 of the Council’s 13 members. The stated purpose of the bill is to repeal Initiative 77.

On June 19, 2018, Initiative 77 was approved through a ballot initiative. This is how the Initiative was explained to voters; this is the summary statement that was on the ballot:

*“If enacted, this initiative will gradually increase the minimum wage in the District of Columbia to \$15 hourly by 2020; gradually increase the minimum wage for tipped employees so that they receive the same minimum wage directly from their employer as other employees by 2026; Beginning in 2021, require minimum wage to increase yearly in proportion to increases in the consumer price index. The minimum wage increases under the initiative will not apply to DC government employees or employees of D.C. government contractors.”*

This statement on the ballot was misleading at best, dishonest at worst. The very first phrase – “If enacted, this initiative will gradually increase the minimum wage in the District of Columbia to \$15 hourly by 2020” – is false. The \$15 minimum wage is already required pursuant to DC Law 21-144, the “Fair Shot Minimum Wage Amendment Act of 2016.” The next phrase – “gradually increase the minimum-wage for tipped employees so that they receive the same minimum wage directly from their employer as other employees by 2026” – is misleading, because it suggests that tipped employees are not now entitled to the same minimum wage as all other employees, even though current law requires it.

The proponents’ political rhetoric selling the Initiative was equally misleading: that a vote for the Initiative was a vote to increase wages for workers. Well, actually no, because all workers, including tipped workers are entitled to the same minimum wage. And, actually, many workers fear – and I believe – they will see a reduction in their earnings.

Another argument for the Initiative is that it will “protect” workers from sexual harassment: that a majority of tipped workers are women, that because they rely on tips for their income they have to put up with sexual harassment, that the so-called “One Fair Wage” will reduce their need for tips, therefore female servers will no longer be subjected to harassment, and therefore sexual harassment will end. It is appealing to suggest this, but it is tortured logic. Abusive men do not harass because waitresses tolerate it in order to get tips. Abusive men exert their so-called “power” in any situation they can. Let me be clear: sexual harassment is despicable and must not be tolerated. But this Initiative is a false promise; it will not end sexual harassment; nor will it “protect” workers from it.

Another argument for the Initiative is that “One Fair Wage” will reduce wage theft. But employers who exploit employees will do so regardless, and the answer is not to change the economics of all restaurants, or to jeopardize the pay of well-paid tipped workers, but to improve enforcement by the government. This summer, for the first time that I know of, the DC Attorney General took two employers to court for wage theft – not involving tipped workers – and we need more of that. Initiative 77 will not solve or prevent wage theft.

Politically, ballot measures to raise the minimum wage are very popular. That is not what Initiative 77 does, but that is how it was sold to the voters. 77 may be well-intentioned, but the very people the Initiative is intended to help are overwhelmingly opposed. If we want to help workers – protect them from harassment and exploitation – there are better ways than Initiative 77.

But what is most troubling, is that a supposedly-progressive initiative to benefit workers instead will hurt workers. Some workers will see a reduction in their earnings. That’s just not the right formula for helping workers. Social policy should lift all boats, not sink a few while raising others.

Finally, Initiative proponents are arguing that it is undemocratic to repeal the will of the voters, even though the Initiative was falsely promoted. I acknowledge that there are voters who are offended that the Council is considering this. I believe every councilmember is uneasy about it. But I say this: The Council amends laws all the time. And if a law is a bad law it should be amended or repealed. It doesn’t matter if the law was adopted by Congress, the voters, or ourselves. Indeed, we adopted an eviction law this past June that we then repealed two weeks later. A bad law should be amended or repealed. So, the true issue today is the merits. Is Initiative 77 good law? No.

### Upcoming Hearings of the Committee of the Whole

#### Six Board of Trustees of the UDC Nominations

September 25, 2018  
12 p.m. Room 412

#### Foreign Government Owned Vacant and Blighted Building Amendment Act of 2017 (Bill 22-465)

September 26, 2018  
10:30 a.m. Room 412

#### Additional Meeting of the Committee of the Whole

October 2, 2018  
10 a.m. Room 500

#### “Amplified Noise Amendment Act of 2018”

#### & Emergency Amendment (Bill 22- 839, Bill 22-900)

October 4, 2018  
11 a.m. Room 412

#### Regular Meeting of the Committee of the Whole

October 16, 2018  
10 a.m. Room 500

#### “Office of Public- Private Partnerships Delegation and Council Review Amendment Act of 2018” (Bill 22-911)

October 18, 2018  
9:30 a.m. Room 412

To Sign-up to Testify,  
Contact the  
Committee at  
202.724.8196 or email  
cow@dccouncil.us