



District of Columbia Compilation of School Discipline Laws and Regulations

Prepared: March 31, 2021

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2021. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

§ 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 an educational institution 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 head of the educational institution in which the minor is enrolled 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 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.

§ 38-203. Enforcement; penalties.

(j) By August 1, 2012, the Mayor shall develop, through rulemaking, appropriate enforcement mechanisms to ensure that each school, principal, and teacher is in full compliance with the requirements of this subchapter and any regulations issued pursuant to this subchapter.

§ 38-236.03. Establishment of school discipline policies.

(b) Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff.

REGULATIONS

4-1503. Code of Conduct.

1503.1 The code of conduct required in the bullying prevention policy (referenced in § 1502.3(e)) should provide that:

- (a) The covered entity expects youth to behave in a way that supports the covered entity's objective to provide a safe and welcoming environment for other youth; and
- (b) The covered entity expects youth who are part of the covered entity community to:

- (1) Treat all other youth at the covered entity with respect;
- (2) Respect the property of other youth at the covered entity; and
- (3) Respond appropriately to instructions from covered entity staff regarding behavior toward other youth.

5-B2408. Dress codes/uniforms.

2408.1 Each District of Columbia Public School shall promulgate a local dress code or uniform policy for that school. The policy shall be established by the principal in consultation with the faculty, local school parent groups, and students.

2408.2 The local school dress code or uniform policy shall be as follows:

(d) Include the following principles:

- (8) No student shall wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, blade, symbols, sign or other things which are evidence of affiliation with drugs, alcohol, violence or gang related activities, other criminally motivated organizations, or which exhibit profane or obscene language/gestures. [...]

2408.12 A mandatory uniform policy shall not prevent a student from wearing a button, armband, or other item guaranteed by the First Amendment to the U.S. Constitution unless the button or other item is related to gang, gang membership, gang activity, or other prohibited activity as described in any dress code established by the principal pursuant to subsection 2408.2.

5-E2402. Code of student responsibilities and conduct.

2402.1 Each student shall be responsible for providing a positive and healthy environment for others by maintaining order and self-discipline, and by having consideration for the rights and property of others.

2402.2 Each student shall bear the responsibility for his or her own conduct.

2402.3 Each student shall be responsible for neatness and cleanliness of personal attire and hygiene.

2402.4 A student shall respect other students, teachers, administrators and other school personnel, and visitors as human beings and as fellow citizens of the school community.

2402.5 A student shall respect the personal property of others and refrain from causing intentional damage or unnecessary wear and tear to books, facilities, school materials, school buildings and furnishings, and the personal property of others.

2402.6 A student shall refrain from fighting, creating disturbances, denying others the use of school facilities or buildings, using or carrying any weapon on school grounds, intentionally injuring another person, or acting in a manner that would expose others to risk or danger of harm or injury.

2402.7 A student shall not use threats or intimidation against any other person.

2402.8 A student shall respect the health and safety of others and shall refrain from using tobacco; or using, possessing, transmitting, or being under the influence of any alcoholic beverage, narcotic substance, or illegal or prohibited drug or substance; or by engaging in gambling, extortion, theft, assault, excessive noise, or any other unlawful activity.

2402.9 A student shall respect the educational process and learning environment of others by refraining from intentional or habitual tardiness, unexcused absences, or other activities that diminish the rights of others and the opportunity for other students to receive an education and obtain the maximum benefit from a public education.

Scope

LAWS

§ 2-1535.03. Bullying prevention policy.

(a) Within 365 days of September 14, 2012, in coordination with the task force established pursuant to § 2-1535.02, each agency, educational institution, and grantee shall adopt a bullying prevention policy to be enforced:

- (1) On its property, including electronic communication on, or with, its property;
- (2) At sponsored functions;
- (3) On its transportation, or transportation sponsored by it; and
- (4) Through electronic communication to the extent that it is directed at a youth and it substantially interferes with the youth's ability to participate in or benefit from the services, activities, or privileges provided by the agency, education institution, or grantee.

REGULATIONS

4-1502. Adoption of a bullying prevention policy.

1502.4 Each covered entity's bullying prevention policy shall apply at the following locations:

- (a) On the covered entity's property, including buildings, fields, parking lots, and walkways;
- (b) At events sponsored by the covered entity, including sponsored events held off the property of the covered entity;
- (c) On any vehicle used for transportation by or on behalf of the covered entity, including transportation for sponsored events of youth; and
- (d) At any transit stop at which youth wait to be transported to the covered entity or an event sponsored by the covered entity.

1502.5 Each covered entity's bullying prevention policy shall apply to cyberbullying sent from or to someone at a location listed in § 1502.4, whether or not the communications device is owned or leased by the covered entity. Cyberbullying is defined as any bullying done through electronic means which meets the definition in § 1502.1, including, but not limited to, social media, electronic mail (email), texting or tweeting.

1502.6 Bullying which occurs on-site, but involves off-site activities, is prohibited if it creates a hostile environment at the covered entity for the target or witnesses of bullying, or impedes or interferes with a youth's ability to participate at the covered entity.

5-B2501. Applicability.

2501.1 The provisions of this chapter shall be enforceable by school authorities, as follows:

- (a) When the student is on school grounds;
- (b) When the student is on or off school grounds participating in or attending any function or activity, including field trips, class trips, extracurricular activities, or athletic contests, that are sponsored by or are under the auspices of DCPS;
- (c) When the student is off school grounds and traveling on transportation provided by DCPS and the activity involves any conduct prohibited by this chapter;
- (d) When the student commits a prohibited offense that occurs during before-school or after-school programs; and

(e) When a student has committed a prohibited offense off school grounds or outside regular school hours that results in a significant disruption to the school environment.

Communication of Policy

LAWS

§ 2-1535.03. Bullying prevention policy.

(f) Each agency, educational institution, and grantee shall develop a plan for how the policy is to be publicized, including the plan for:

- (1) Discussing its bullying policy with youth; and
- (2) Publicizing that the policy applies to participation in functions sponsored by an agency, educational institution, or grantee.

§ 38-236.03. Establishment of school discipline policies.

(d) A school, or local education agency, as appropriate, shall provide school discipline policies to students and parents and shall provide students and parents with explanations of the policies, including explanations of expectations, rights, and responsibilities of students and parents under the policies. The school, or local education agency, as appropriate, shall make the school discipline policy publicly available, including in a conspicuous place on the school and local education agency's website.

REGULATIONS

4-1507. Dissemination of bullying prevention policy.

1507.1 Each covered entity shall develop and implement a plan to publicize its Bullying Prevention Policy that shall include actions to:

- (a) Discuss its bullying prevention policy with youth;
- (b) Publicize the fact that the policy also applies to functions sponsored by the covered entity; and
- (c) Publish the written Bullying Prevention Policy and make copies of the Bullying Prevention Policy available to all youth, families and staff by including it in the entity's handbook and on its website.

5-A2102. Absences.

2102.3 An educational institution shall publish and make available to parents and students the attendance policies and procedures, including a list of valid excused absences.

5-A2103. Absentee intervention and school-based student support teams.

2103.2 Each LEA shall incorporate evidence-based practice into its absenteeism protocol, considering procedures to address the following:

- (b) A process for informing, training, and educating school staff, students, parents, guardians, and the community with regard to enhancing school attendance, implementing truancy reduction methods, administering attendance policies and procedures, and related collaborative services.

5-B2500. General policy.

2500.1 It is the policy of D.C. Public Schools (DCPS) that a safe environment conducive to learning shall be maintained. To build and maintain this environment, DCPS shall provide students, families, and staff with clear expectations and rules for appropriate school behavior. These rules must balance the responsibilities and rights of individuals and the responsibilities and rights of the school community.

These rules must reflect the individual's responsibility for contributing to a safe environment conducive to learning and the need for mutual respect and cooperation among all segments of the school community. [...]

2500.15 A copy of the DCPS policies and rules regarding student discipline shall be distributed or made available to students and parents within thirty (30) days after the start of each school year or upon initial enrollment, whichever occurs later.

2500.16 A copy of the DCPS policies and rules regarding student discipline shall be distributed or made available to school staff within thirty (30) days after the start of each school year, or upon initial employment, whichever occurs later.

5-B2503. Policy for disciplinary actions.

2503.1 All disciplinary actions shall be effected pursuant to the rules in this Chapter. Disciplinary actions that do not result in removal from the classroom for more than half a school day may be effected through procedures established by the principal at each school. The principal shall establish such procedures in writing and provide a written copy to students and parents. Procedures shall include a process for appealing such disciplinary responses to the principal.

5-E2401. Student Bill of Rights.

2401.4 Each student has the right to adequate and timely notice of all rules, regulations, policies and sanctions to which the student is subject. All rules and regulations shall be available in writing and be accessible to all students. A copy of the rules of the Board of Education shall be maintained in the library, guidance office, or other appropriate place in each public school in the District of Columbia. A copy of § 2401 (Student Bill of Rights) shall be provided to each student upon registration at a public school in the District of Columbia

5-E2404. Search procedures.

2404.12 Principals shall provide notification to students, and their parents on a regular basis, including at the beginning of each school year, of the Board's policy regarding searches.

In-School Discipline

Discipline Frameworks

LAWS

§ 2-1535.03. Bullying prevention policy.

(b) Each agency, educational institution, and grantee shall control the content of its policy; provided, that each policy includes:

- (5) A list of the consequences that can result from an identified incident of bullying, which are designed to:
 - (A) Appropriately correct the bullying behavior;
 - (B) Prevent another occurrence of bullying or retaliation;
 - (C) Protect the target of the bullying;
 - (D) Be flexible so that in application they can be unique to the individual incident and varied in method and severity based on the:
 - (i) Nature of the incident;
 - (ii) Developmental age of the person bullying; and
 - (iii) Any history of problem behavior from the person bullying.

§ 38-236.03. Establishment of school discipline policies.

(b) Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff. School discipline policies shall:

- (6) Identify conduct or categories of conduct, by severity of offense, including conduct that constitutes causing, attempting, or threatening bodily injury or emotional distress, for which a student may be disciplined;
- (7) Identify graduated levels of disciplinary action for misbehavior through a list of options available to teachers and administrators for each level of misconduct; provided, that such a list need not be exhaustive.

REGULATIONS

4-1502. Adoption of a bullying prevention policy.

1502.3 A covered entity's bullying prevention policy shall at a minimum include the following elements:

- (f) A list of consequences that can result from an identified incident of bullying that are designed to:
 - (1) Appropriately correct the behavior deemed to be bullying;
 - (2) Prevent future occurrences of bullying or retaliation;
 - (3) Ensure the safety and well-being of the person who has reportedly experienced or is reportedly at risk for future acts of bullying or retaliation; and
 - (4) Be flexible in application, appropriate to the individual incident, and varied in method and severity based on the:
 - (A) Nature of the incident;
 - (B) Developmental age of the person exhibiting bullying behaviors; and

(C) Any history of problem behavior of all students involved in the incident(s) and where available, history of behavioral concerns documented in an Individualized Education Program (IEP) or 504 plan as a result of a disability under the Individuals with Disabilities Education Act (IDEA), approved Dec. 3, 2004 (118 Stat. 2647; 20 U.S.C. §§ 1400 et seq.) or Section 504 of the 1973 Rehabilitation Act, approved Sept. 26, 1973 (87 Stat. 394; 29 U.S.C. § 794).

5-B2500. General policy.

2500.2 DCPS is committed to helping students learn the expectations and rules for appropriate school behavior and the range of disciplinary responses for inappropriate or disruptive behavior. DCPS will recognize and encourage students who exhibit appropriate, non-disruptive behavior. DCPS will encourage prevention and intervention strategies to prevent inappropriate behavior. To that end all available resources, subject to budgetary limitations, shall be utilized, including preventive and responsive interventions that support students' needs.

2500.3 When a student's behavior disrupts the school community's safe learning environment, DCPS will use a range of disciplinary responses intended to change and manage inappropriate behavior. In administering disciplinary responses, DCPS will work with students to correct inappropriate behavior. Students will be enabled and encouraged to reflect on their actions, to learn from mistakes, and to restore any relationships that have been negatively impacted.

5-B2502. Grounds for disciplinary action.

2502.1 Tier I behaviors are those behaviors that are insubordinate or cause minor disruptions to the academic environment but do not involve damage to school property or harm to self or others. Tier I behaviors result in classroom-level disciplinary responses that may be elevated to administrative response if they are not successfully abated by the teacher or the appropriate school-level committee.

(a) The following behaviors shall be considered Tier I behaviors:

- (1) Refusal to present school-issued identification upon request;
- (2) Attending class without required class materials or assigned work;
- (3) Off-task behaviors that demonstrate disengagement from classroom learning;
- (4) Behaviors that disrupt or interfere with classroom teaching and learning;
- (5) Unexcused lateness for school or class;
- (6) Inappropriate displays of affection;
- (7) Excessive noise in the classroom, hall, or school building;
- (8) Running in the classroom, hall, or school building;
- (9) Communicating with staff and peers in a manner that is not polite, courteous, or respectful;
- (10) Directing profanity or obscene/offensive gestures toward peers;
- (11) Refusal to comply with staff instructions, or classroom or school rules; and
- (12) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that is insubordinate or causes minor disruption to the academic environment but does not involve damage to school property or harm to self or others.

(b) Disciplinary responses for Tier I behaviors shall include:

- (1) Verbal redirection or reprimand;
- (2) Teacher/student conference;
- (3) Parental contact in writing or by phone;
- (4) Teacher/parent conference;

- (5) Temporary Removal of Student from Classroom;
- (6) In-School Disciplinary Action;
- (7) Behavior contract; and
- (8) Other school-based consequences as approved by a person designated by the Chancellor.

2502.2 Tier II behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the academic environment, involve damage to school property, or may cause minor harm to self or others. Tier II behaviors result in school-based and administrative disciplinary responses.

(a) The following behaviors shall be considered Tier II behaviors:

- (1) Using computer/office equipment without permission;
- (2) Intentional Misuse of School Equipment/Supplies/Facilities;
- (3) Unauthorized use of portable electronic devices during school hours (e.g. mp3 players, cell phones);
- (4) Non-compliance with approved dress code/uniform policy;
- (5) Leaving classroom without permission;
- (6) Unexcused absence from class;
- (7) Unauthorized presence in hallway during class time;
- (8) Unexcused absence from school;
- (9) Inappropriate or disruptive physical contact between students;
- (10) Directing profanity or obscene/offensive gestures toward staff;
- (11) Throwing objects that may cause injury or damage to property;
- (12) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes disruption to the academic environment, involves damage to school property, or may cause minor harm to self or others; and
- (13) Documented Pattern of Persistent Tier I Behavior.

(b) Disciplinary responses for Tier II behaviors shall include:

- (1) Verbal redirection or reprimand;
- (2) Teacher/student or administrator/student conference;
- (3) Parental contact in writing or by phone;
- (4) Administrator/parent conference;
- (5) Temporary Removal of Student from Classroom;
- (6) In-School Disciplinary Action;
- (7) Behavior contract;
- (8) Other school-based consequences as approved by a person designated by the Chancellor; and
- (9) In the case of non-compliance with an approved dress code or uniform policy, disciplinary actions described in section 2408.16 of this title.

2502.3 Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

(a) The following behaviors shall be considered Tier III behaviors:

- (1) Inappropriate Use of DCPS Computer or Network (restricted websites, offensive emails);

- (2) Sale or Distribution of any item without authorization;
 - (3) Possession or Distribution of obscene or pornographic material on school premises;
 - (4) Possession or Use of tobacco;
 - (5) Use of alcohol;
 - (6) Use of marijuana, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, or drug paraphernalia;
 - (7) Unauthorized Possession, Use, or Distribution of over-the-counter medication;
 - (8) Verbal, written, or physical Threat to person or property (including intimidating postures);
 - (9) Obscene, seriously offensive, or abusive language or gestures;
 - (10) Causing disruption on school property or at any DCPS-sponsored or supervised activity;
 - (11) Gambling;
 - (12) Communicating slurs based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business, including derogatory sexual language;
 - (13) Engaging in Sexual Acts on school premises or at school-related functions;
 - (14) Leaving school without permission;
 - (15) Academic Dishonesty;
 - (16) Forgery;
 - (17) Lying to or giving misleading information to school staff;
 - (18) Posting or distributing material or literature that is disrespectful, demeaning, humiliating, or damaging to students and/or staff. This includes posting material on internet or sending material electronically (via email or cell phone);
 - (19) Engaging in behavior that demonstrates Gang/neighborhood crew affiliation (displaying clothing or gestures associated with Gangs);
 - (20) Hazing;
 - (21) Bullying, or using humiliating, or intimidating language or behavior, including Internet Bullying;
 - (22) Possession of tools or instruments which school administrators deem could be used as weapons;
 - (23) Engaging in reckless behavior that may cause harm to self or others;
 - (24) Extortion;
 - (25) Fighting where there is no injury and no weapon;
 - (26) Trespassing;
 - (27) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes significant disruption to the academic environment or causes harm to self or others;
 - (28) Documented Pattern of Persistent Tier II Behavior
- (b) Disciplinary responses for Tier III behaviors shall include:
- (1) Verbal redirection/reprimand;
 - (2) Teacher/student conference or administrator/student conference;
 - (3) Parental contact (written or by phone);
 - (4) Parent conference;

- (5) Temporary Removal of Student from Classroom;
- (6) Behavior contract;
- (7) In-School Disciplinary Action;
- (8) Grade reduction for Academic Dishonesty;
- (9) On-site Short-Term Suspension with provision of appropriate intervention services;
- (10) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence; and
- (11) Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence.

2502.4 Tier IV behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the school operation, destroy school property, or cause significant harm to self or others. Tier IV behaviors result in off-site Suspension.

(a) The following behaviors shall be considered Tier IV behaviors:

- (1) Acts of vandalism, destruction of property, or graffiti (tagging);
- (2) Documented theft of school or personal property without force;
- (3) Interfering with school authorities or participating in a major disruption of the school's operation.
- (4) Tampering with, changing, or altering an official record or document of a school;
- (5) Persistent Harassment based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business;
- (6) Lewd or indecent public behavior or sexual misconduct;
- (7) Sexual Harassment;
- (8) Retaliation for reporting Harassment and Sexual Harassment;
- (9) Fighting which creates substantial risk of or results in minor injury;
- (10) Inciting others to violence or disruption;
- (11) Activating False Alarm;
- (12) Contaminating food;
- (13) Possession of a weapon or replica or imitation of a weapon (including water guns), other than weapons subject to the requirements of the Gun-Free Schools Act;
- (14) Using an article that is not normally considered a weapon to intimidate or threaten another individual;
- (15) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes disruption to the school operation, destroys school property, or causes significant harm to self or others; and
- (16) Documented Pattern of Persistent Tier III Behavior enumerated at 2502.3(a)(1) through (27).

(b) Disciplinary responses for Tier IV behaviors include:

- (1) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence;
- (2) Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence; and
- (3) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence.

2502.5 Tier V behaviors are those behaviors not specifically enumerated in any other tier in this chapter that are illegal, cause significant disruption to the school operation, or cause substantial harm to self or others. Tier V behaviors result in off-site Suspension or Expulsion.

(a) The following behaviors shall be considered Tier V behaviors:

- (1) Acts of Exceptional Misconduct at other schools;
 - (2) Vandalism/destruction of property over \$ 500;
 - (3) Selling or Distribution of marijuana, prescription drugs, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia;
 - (4) The Possession or Distribution of alcohol;
 - (5) The Possession of drug paraphernalia or controlled substance, irrespective of the amount or type, pursuant to the criminal statutes of the District of Columbia, codified at D.C. Official Code § 48-1101 et seq. (2001)
 - (6) Causing serious disruption or damage to school's computer systems, electronic files, or network;
 - (7) Possession of fireworks or explosives;
 - (8) Theft or attempted theft using force, coercion, intimidation, or Threat of violence;
 - (9) Assault or physical attack on student or staff;
 - (10) Fighting which results in a serious physical injury;
 - (11) Participating in group fight which has been planned, causes major disruption to school day or results in substantial bodily injury;
 - (12) Using an article that is not normally considered a weapon to injure another individual;
 - (13) Use, threatened use, or transfer of any weapon;
 - (14) Use, Possession, or bringing to school a loaded or unloaded firearm, as defined in 18 U.S.C. § 921 (2000), including but not limited to pistols, blank pistols, starter pistols, revolvers, rifles, and shotguns.
 - (15) Any behavior that violates the Gun-Free Schools Act;
 - (16) Deliberate acts that cause severe physical injury to another person (s).
 - (17) Assault with a weapon;
 - (18) Commission or attempted commission of any act of sexual assault or sexual aggression;
 - (19) Arson;
 - (20) Biohazard;
 - (21) Bomb threat;
 - (22) Any other intentional use of violence, force, coercion, Threats, intimidation, or other comparable conduct which causes or attempts to cause severe physical injury, substantial disruption, or obstruction of any lawful mission, process, or function of the D.C. Public Schools;
 - (23) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that is illegal, causes significant disruption to the school operation, or causes substantial harm to self or others; and
 - (24) Documented Pattern of Persistent Tier IV Behavior.
- (b) Disciplinary responses for Tier V behaviors include:
- (1) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence; and
 - (2) Expulsion.
- (c) Weapons include, but are not limited to:
- (1) Weapons enumerated in D.C. Official Code § 22-4514 (2001);
 - (2) Firearms as enumerated in 18 U.S.C. § 921 (2000);
 - (3) Knives (e.g. bowie, dirk, lock-blade, hunting, pen, pocket, switchblade, utility, boxcutter, etc.);
 - (4) Martial arts devices (e.g. Chinese stars, 'nunchucks', etc.);

- (5) Air gun, bb gun, paintball gun;
- (6) Other weapons or instruments designed to be or commonly used as weapons (e.g., chains, clubs, knuckles, night stick, pipes, studded bracelets);
- (7) Mace, pepper spray, tear gas;
- (8) Explosives;
- (9) Slingshot;
- (10) Bullets;
- (11) Chemical weapon; and
- (12) Razorblade or razor.

Teacher Authority to Remove Students From Classrooms

LAWS

No relevant laws found.

REGULATIONS

5-B2500. General policy.

2500.12 Disciplinary responses shall include, but not be limited to, the following strategies:

- (e) Temporary Removal of Student from Classroom.

5-B2502. Grounds for disciplinary action.

2502.1 Tier I behaviors are those behaviors that are insubordinate or cause minor disruptions to the academic environment but do not involve damage to school property or harm to self or others. Tier I behaviors result in classroom-level disciplinary responses that may be elevated to administrative response if they are not successfully abated by the teacher or the appropriate school-level committee.

- (b) Disciplinary responses for Tier I behaviors shall include:

- (5) Temporary Removal of Student from Classroom. [...]

2502.2 Tier II behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the academic environment, involve damage to school property, or may cause minor harm to self or others. Tier II behaviors result in school-based and administrative disciplinary responses.

- (b) Disciplinary responses for Tier II behaviors shall include:

- (5) Temporary Removal of Student from Classroom. [...]

2502.3 Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

- (b) Disciplinary responses for Tier III behaviors shall include:

- (5) Temporary Removal of Student from Classroom.

5-B2599. Definitions.

2599.1 Unless the same term or phrase is defined in § 2599.2, the definitions set forth in § 2099 are incorporated in this chapter by reference and shall apply to the terms and phrases used in this chapter.

2599.2 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

"Temporary Removal of Student from Classroom" - removal from the student's classroom for less than half a school day, not to extend beyond the time of dismissal on the day of the disciplinary action. During any such removal, the student shall be supervised and provided with instructional materials.

Alternatives to Suspension

LAWS

§ 38-236.01. Definitions.

For the purposes of this part, the term:

(8) "In-school suspension" means temporarily removing a student from the student's regular class schedule as a disciplinary consequence, during which time the student remains on school grounds under the supervision of school personnel who are physically in the same location as the student.

§ 38-236.03. Establishment of school discipline policies.

(b) Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff. School discipline policies shall:

(9) Promote disciplinary actions that are individualized, fair, equitable, developmentally appropriate, proportional to the severity of the student's offense, and, if appropriate, restorative.

§ 38-236.06. Support for positive school climate and trauma-informed educational settings.

(a) The Office of the State Superintendent of Education shall provide an array of supports to assist local education agencies and schools to achieve the goals of §§ 38-236.03 through 38-236.05 and to adopt trauma-informed disciplinary practices. The OSSE shall provide local education agencies and schools with, among other supports, the following:

(1) Guidance and materials that inform local education agencies and school communities about developments in the fields of school climates and behavioral management;

(2) Regular, high-quality professional development opportunities and technical assistance, and recommendations for further instruction outside of these opportunities, for local education agency and school personnel on:

(D) Restorative practices and other evidence-based or promising behavioral interventions.

REGULATIONS

5-B2500. General policy.

2500.6 Options for prevention, intervention, and remediation shall include, but not be limited to:

(y) Restorative justice strategies.

5-B2502. Grounds for disciplinary action.

2502.1 Tier I behaviors are those behaviors that are insubordinate or cause minor disruptions to the academic environment but do not involve damage to school property or harm to self or others. Tier I behaviors result in classroom-level disciplinary responses that may be elevated to administrative response if they are not successfully abated by the teacher or the appropriate school-level committee.

(b) Disciplinary responses for Tier I behaviors shall include:

(1) Verbal redirection or reprimand;

(2) Teacher/student conference;

- (3) Parental contact in writing or by phone;
- (4) Teacher/parent conference;
- (5) Temporary Removal of Student from Classroom;
- (6) In-School Disciplinary Action;
- (7) Behavior contract; and
- (8) Other school-based consequences as approved by a person designated by the Chancellor.

2502.2 Tier II behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the academic environment, involve damage to school property, or may cause minor harm to self or others. Tier II behaviors result in school-based and administrative disciplinary responses.

(b) Disciplinary responses for Tier II behaviors shall include:

- (1) Verbal redirection or reprimand;
- (2) Teacher/student or administrator/student conference;
- (3) Parental contact in writing or by phone;
- (4) Administrator/parent conference;
- (5) Temporary Removal of Student from Classroom;
- (6) In-School Disciplinary Action;
- (7) Behavior contract;
- (8) Other school-based consequences as approved by a person designated by the Chancellor; and
- (9) In the case of non-compliance with an approved dress code or uniform policy, disciplinary actions described in section 2408.16 of this title.

2502.3 Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

(b) Disciplinary responses for Tier III behaviors shall include:

- (1) Verbal redirection/reprimand;
- (2) Teacher/student conference or administrator/student conference;
- (3) Parental contact (written or by phone);
- (4) Parent conference;
- (5) Temporary Removal of Student from Classroom;
- (6) Behavior contract;
- (7) In-School Disciplinary Action;
- (8) Grade reduction for Academic Dishonesty;
- (9) On-site Short-Term Suspension with provision of appropriate intervention services.

5-B2599. Definitions.

2599.1 Unless the same term or phrase is defined in § 2599.2, the definitions set forth in § 2099 are incorporated in this chapter by reference and shall apply to the terms and phrases used in this chapter.

2599.2 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

"In-School Disciplinary Action" - disciplinary actions such as after-school detention, loss of privileges (including recess), exclusion from extracurricular activities, written reflection, conflict resolution,

mediation, or similar actions of short duration that do not result in the student's loss of academic instruction time.

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

No relevant laws found.

REGULATIONS

5-E2401. Student Bill of Rights.

2401.12 Each student shall have the right to respect from teachers, other students, administrators, and other school personnel, and shall not be subject to ridicule, harassment, or any punishment that is demeaning or derogatory. No student shall be subject to corporal punishment.

5-E2403. Corporal punishment.

2403.1 For purposes of this section, "corporal punishment" is defined as the use, or attempted use, of physical force upon, or against, a student, either intentionally or with reckless disregard for the student's safety, as a punishment, or discipline.

2403.2 The use of corporal punishment in any form is strictly prohibited in and during all aspects of the public school environment or school activities. No student shall be subject to the infliction of corporal punishment by any teacher, other student administrator, or other school personnel.

2403.3 No teacher, administrator, student or other person shall subject a student to corporal punishment or condone the use of corporal punishment by any person under his or her supervision or control.

2403.4 Permission to administer corporal punishment shall not be sought or accepted from any parent, guardian, or school official.

2403.5 Conduct prohibited by this section include actual or attempted use or physical force against a student in accordance with § 2403.1, provided that the conduct is not prompted by reasonable efforts at self defense or the defense of others; is necessary to maintain or regain order; or is necessary for the safety of the educational environment. Examples of prohibited conduct include, but are not limited to, the following:

- (a) Shoving;
- (b) Striking;
- (c) Grabbing;
- (d) Shaking;
- (e) Hitting;
- (f) Throwing of objects; and
- (g) Unreasonable restraint.
- (h) Directing others to inflict any of the above on a student.

2403.6 The nature and the amount of physical contact reasonably necessary for self-defense, defense of others, protection of the educational environment, or to regain or maintain order shall be dependent upon the factual circumstances of each case. When reviewing those circumstances, the following shall be considered.

- (a) If the action was taken in self-defense or the defense of others, whether the action taken against the student was (1) proportionate to student's conduct, and (2) the least intrusive means of controlling the situation.

(b) If the action was taken against a student for the protection of the educational environment or regain or to maintain order, whether the action taken against the student was (1) taken as a last resort after all other reasonable means had been exhausted, and (2) the least intrusive means of controlling the situation.

2403.7 All allegation of the use of corporal punishment shall be promptly investigated. Discipline shall be administered against any employee who violates this section. Students shall be permitted, but not required, to testify at any proceeding relating to the allegation of corporal punishment.

2403.8 Employees found to have violated this provision will be subject to discipline in accordance with § 1401 these Board Rules, 5 DCMR 1401, and the appropriate collective bargaining agreement, if applicable.

Search and Seizure

LAWS

§ 5-132.03b. Training for school security personnel.

(a) For the school year beginning in 2020, DCPS may use the training curriculum adopted by MPD pursuant to § 5-132.03 to train its school security personnel.

(b) By the start of the school year beginning in 2021, DCPS shall adopt a school security personnel training curriculum based on the positive youth development philosophy. The curriculum shall focus on training supervisory and on-site personnel to provide security services responsive and appropriate to the student, staff, and family populations at each school building. At a minimum, the curriculum shall include training in the following areas, developed with advice from appropriate other District agencies:

(10) Constitutional standards for searches and seizures conducted by school security personnel on school grounds.

REGULATIONS

5-E2401. Student Bill of Rights.

2401.13 Principals, assistant principals, school security personnel and other designated individuals may conduct, or cause to be conducted, such searches of students as are reasonable to maintain the security, discipline and educational atmosphere of a school building, event or program, in accordance with the provisions § 2404.

5-E2404. Search procedures.

2404.1 Individualized searches shall be undertaken if there exists reasonable suspicion that there has been a violation of the student discipline rules (chapter 25 of this title) or the criminal laws of the District of Columbia or the federal government, or, if such a search is part of the overall effort to maintain the security and safety of D.C. Public Schools, in accordance with the provisions this chapter.

2404.2 Reasonable suspicion shall be premised upon any one or more of the following circumstances:

- (a) Observation of contraband or other prohibited property by school officials or conduct suggesting the presence of contraband or other prohibited property;
- (b) General, suspicious conduct, such as a student's being in a restricted area without approval;
- (c) Observation of suspicious bulges in a student's clothing or personal property;
- (d) A tip from an informant, either known to the school official to be reliable or, if anonymous, possessing some attribute, knowledge, or relationship to the school, student or community that gives credence to the information; or

(e) Observation of furtive or evasive behavior to suggest either concealment of a weapon, contraband, or stolen property or perpetration of an offense violative of school regulations or laws.

2404.3 The student's age, history, and school record shall be considered in the context of the nature of the infraction, in deciding whether to undertake a search.

2404.4 Random searches of students, and lockers shall be undertaken, in a manner which is consistent with the overall need to maintain the safety and security of D.C. Public Schools. The searches shall occur under the auspices of the D.C. Public Schools Office of Safety and Security and, where appropriate, the Metropolitan Police Department and the D.C. Public Schools Legal Services Branch, unless circumstances compel immediate action to avoid imminent danger to self or others.

2404.5 Except where otherwise necessary to avoid immediate harm or immediate disposal of contraband, searches of students shall occur in the privacy of an office or unoccupied room.

2404.6 Except where otherwise necessary to avoid immediate harm or immediate disposal of contraband, all searches shall be made in the presence of a third party.

2404.7 Under no circumstances are strip searches to be conducted by school system personnel. In the event that there is reason to believe that such a search would uncover evidence of criminal conduct, the Metropolitan Police Department shall be notified.

2404.8 Subsequent to any search being conducted, whether based on individualized suspicion or at random, the principal shall prepare a written report detailing the scope of the search and circumstances giving rise to the search. Copies of this report shall be filed with the appropriate assistant superintendent, the Division of Safety and Security, and the Legal Services Branch.

2404.9 Magnetometers and other metal-detecting devices may be utilized by school officials at entrances to schools when deemed appropriate by the Superintendent of Schools to be necessary to deter weapons being brought onto school grounds; provided, that such devices are regularly checked and calibrated.

2404.10 All lockers, desks, and other property provided by D.C. Public Schools to students for the storage of personal belongings and school supplies, are the property of the D.C. Public Schools and shall remain under the jurisdiction of D.C. Public Schools. The use of these items by students is a privilege. School officials retain the right to open and search lockers, desks and such other school property and the contents thereof, with or without the presence of the student(s) at any time to enforce school policies, rules, or regulations, or for any other reason.

2404.11 Students shall assume full responsibility for the contents of lockers and shall lock all lockers, or locks, after use. No student shall place, keep or store, or allow to be placed kept or stored, in his or her locker, desk, or other D.C. Public School property, any firearm, knife, explosive, or other dangerous object, the use or possession of which is prohibited by the rules of the Board of Education.

2404.12 Principals shall provide notification to students, and their parents on a regular basis, including at the beginning of each school year, of the Board's policy regarding searches.

Restraint and Seclusion

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

§ 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.

§ 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.) [repealed, see now 20 U.S.C. § 7151] 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.

§ 38-236.03. Establishment of school discipline policies.

- (a) Local education agencies shall foster positive school climates that engage all students in learning.
- (b) Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff. School discipline policies shall:
 - (1) Set high expectations for student behavior and adopt an instructional and corrective approach to school discipline;
 - (2) Permit out-of-school suspension or disciplinary unenrollment as a disciplinary action only to ensure safety and in response to the most serious offenses, as set forth in school policy;
 - (3) Avoid policies requiring automatic suspension or disciplinary unenrollment for particular behaviors unless otherwise required by law;
 - (4) Include a plan for continuity of education for any student subject to a suspension, including a mechanism for modifications to the plan to meet the needs of an individual student, as necessary, to facilitate the student's return to the classroom, and appropriate measures to ensure the student:
 - (A) Continues the student's studies during the suspension and receives all appropriate assignments for the duration of the suspension;
 - (B) Can communicate with school personnel regarding academic work; and
 - (C) Upon returning to school, has the opportunity to make up any school work missed during the suspension if the school work cannot be completed by the student during the student's suspension;
 - (5) Require school personnel to seek and facilitate the involvement of parents in response to an incident resulting in a disciplinary action, particularly with regard to the plan for continuity of education, to the degree that a parent is able to participate;
 - (6) Identify conduct or categories of conduct, by severity of offense, including conduct that constitutes causing, attempting, or threatening bodily injury or emotional distress, for which a student may be disciplined;

- (7) Identify graduated levels of disciplinary action for misbehavior through a list of options available to teachers and administrators for each level of misconduct; provided, that such a list need not be exhaustive;
 - (8) Describe the local education agency's in-school and out-of-school suspension practice and policy;
 - (9) Promote disciplinary actions that are individualized, fair, equitable, developmentally appropriate, proportional to the severity of the student's offense, and, if appropriate, restorative;
 - (10) Provide that school personnel shall consider whether student behavior can be safely and appropriately handled through other disciplinary action before making referrals to law enforcement or seeking school-related arrests in response to student behavior;
 - (11) Outline procedures for communicating with students and parents regarding disciplinary actions; and
 - (12) Articulate clearly the due process rights and procedures available to students and parents.
- (c) The school discipline policy of a local education agency that operates a pre-kindergarten program shall be consistent with the requirements of § 38-273.03.
- (d) A school, or local education agency, as appropriate, shall provide school discipline policies to students and parents and shall provide students and parents with explanations of the policies, including explanations of expectations, rights, and responsibilities of students and parents under the policies. The school, or local education agency, as appropriate, shall make the school discipline policy publicly available, including in a conspicuous place on the school and local education agency's website.
- (e) Local education agencies shall proactively evaluate and update school discipline policies and practices to ensure fairness and equity, including by using data and feedback from students, families, and school personnel to identify, reduce, and eliminate discriminatory discipline practices or outcomes and unintended consequences.

REGULATIONS

5-B2502. Grounds for disciplinary action.

2502.1 Tier I behaviors are those behaviors that are insubordinate or cause minor disruptions to the academic environment but do not involve damage to school property or harm to self or others. Tier I behaviors result in classroom-level disciplinary responses that may be elevated to administrative response if they are not successfully abated by the teacher or the appropriate school-level committee.

- (a) The following behaviors shall be considered Tier I behaviors:
 - (1) Refusal to present school-issued identification upon request;
 - (2) Attending class without required class materials or assigned work;
 - (3) Off-task behaviors that demonstrate disengagement from classroom learning;
 - (4) Behaviors that disrupt or interfere with classroom teaching and learning;
 - (5) Unexcused lateness for school or class;
 - (6) Inappropriate displays of affection;
 - (7) Excessive noise in the classroom, hall, or school building;
 - (8) Running in the classroom, hall, or school building;
 - (9) Communicating with staff and peers in a manner that is not polite, courteous, or respectful;
 - (10) Directing profanity or obscene/offensive gestures toward peers;
 - (11) Refusal to comply with staff instructions, or classroom or school rules; and

(12) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that is insubordinate or causes minor disruption to the academic environment but does not involve damage to school property or harm to self or others.

(b) Disciplinary responses for Tier I behaviors shall include:

- (1) Verbal redirection or reprimand;
- (2) Teacher/student conference;
- (3) Parental contact in writing or by phone;
- (4) Teacher/parent conference;
- (5) Temporary Removal of Student from Classroom;
- (6) In-School Disciplinary Action;
- (7) Behavior contract; and
- (8) Other school-based consequences as approved by a person designated by the Chancellor.

2502.2 Tier II behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the academic environment, involve damage to school property, or may cause minor harm to self or others. Tier II behaviors result in school-based and administrative disciplinary responses.

(a) The following behaviors shall be considered Tier II behaviors:

- (1) Using computer/office equipment without permission;
- (2) Intentional Misuse of School Equipment/Supplies/Facilities;
- (3) Unauthorized use of portable electronic devices during school hours (e.g. mp3 players, cell phones);
- (4) Non-compliance with approved dress code/uniform policy;
- (5) Leaving classroom without permission;
- (6) Unexcused absence from class;
- (7) Unauthorized presence in hallway during class time;
- (8) Unexcused absence from school;
- (9) Inappropriate or disruptive physical contact between students;
- (10) Directing profanity or obscene/offensive gestures toward staff;
- (11) Throwing objects that may cause injury or damage to property;
- (12) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes disruption to the academic environment, involves damage to school property, or may cause minor harm to self or others; and
- (13) Documented Pattern of Persistent Tier I Behavior.

(b) Disciplinary responses for Tier II behaviors shall include:

- (1) Verbal redirection or reprimand;
- (2) Teacher/student or administrator/student conference;
- (3) Parental contact in writing or by phone;
- (4) Administrator/parent conference;
- (5) Temporary Removal of Student from Classroom;
- (6) In-School Disciplinary Action;
- (7) Behavior contract;

- (8) Other school-based consequences as approved by a person designated by the Chancellor; and
- (9) In the case of non-compliance with an approved dress code or uniform policy, disciplinary actions described in section 2408.16 of this title.

2502.3 Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

(a) The following behaviors shall be considered Tier III behaviors:

- (1) Inappropriate Use of DCPS Computer or Network (restricted websites, offensive emails);
- (2) Sale or Distribution of any item without authorization;
- (3) Possession or Distribution of obscene or pornographic material on school premises;
- (4) Possession or Use of tobacco;
- (5) Use of alcohol;
- (6) Use of marijuana, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, or drug paraphernalia;
- (7) Unauthorized Possession, Use, or Distribution of over-the-counter medication;
- (8) Verbal, written, or physical Threat to person or property (including intimidating postures);
- (9) Obscene, seriously offensive, or abusive language or gestures;
- (10) Causing disruption on school property or at any DCPS-sponsored or supervised activity;
- (11) Gambling;
- (12) Communicating slurs based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business, including derogatory sexual language;
- (13) Engaging in Sexual Acts on school premises or at school-related functions;
- (14) Leaving school without permission;
- (15) Academic Dishonesty;
- (16) Forgery;
- (17) Lying to or giving misleading information to school staff;
- (18) Posting or distributing material or literature that is disrespectful, demeaning, humiliating, or damaging to students and/or staff. This includes posting material on internet or sending material electronically (via email or cell phone);
- (19) Engaging in behavior that demonstrates Gang/neighborhood crew affiliation (displaying clothing or gestures associated with Gangs);
- (20) Hazing;
- (21) Bullying, or using humiliating, or intimidating language or behavior, including Internet Bullying;
- (22) Possession of tools or instruments which school administrators deem could be used as weapons;
- (23) Engaging in reckless behavior that may cause harm to self or others;
- (24) Extortion;
- (25) Fighting where there is no injury and no weapon;
- (26) Trespassing;

(27) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes significant disruption to the academic environment or causes harm to self or others;

(28) Documented Pattern of Persistent Tier II Behavior

(b) Disciplinary responses for Tier III behaviors shall include:

- (1) Verbal redirection/reprimand;
- (2) Teacher/student conference or administrator/student conference;
- (3) Parental contact (written or by phone);
- (4) Parent conference;
- (5) Temporary Removal of Student from Classroom;
- (6) Behavior contract;
- (7) In-School Disciplinary Action;
- (8) Grade reduction for Academic Dishonesty;
- (9) On-site Short-Term Suspension with provision of appropriate intervention services;
- (10) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence; and
- (11) Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence.

2502.4 Tier IV behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the school operation, destroy school property, or cause significant harm to self or others. Tier IV behaviors result in off-site Suspension.

(a) The following behaviors shall be considered Tier IV behaviors:

- (1) Acts of vandalism, destruction of property, or graffiti (tagging);
- (2) Documented theft of school or personal property without force;
- (3) Interfering with school authorities or participating in a major disruption of the school's operation.
- (4) Tampering with, changing, or altering an official record or document of a school;
- (5) Persistent Harassment based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business;
- (6) Lewd or indecent public behavior or sexual misconduct;
- (7) Sexual Harassment;
- (8) Retaliation for reporting Harassment and Sexual Harassment;
- (9) Fighting which creates substantial risk of or results in minor injury;
- (10) Inciting others to violence or disruption;
- (11) Activating False Alarm;
- (12) Contaminating food;
- (13) Possession of a weapon or replica or imitation of a weapon (including water guns), other than weapons subject to the requirements of the Gun-Free Schools Act;
- (14) Using an article that is not normally considered a weapon to intimidate or threaten another individual;
- (15) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes disruption to the school operation, destroys school property, or causes significant harm to self or others; and
- (16) Documented Pattern of Persistent Tier III Behavior enumerated at 2502.3(a)(1) through (27).

(b) Disciplinary responses for Tier IV behaviors include:

- (1) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence;
- (2) Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence; and
- (3) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence.

2502.5 Tier V behaviors are those behaviors not specifically enumerated in any other tier in this chapter that are illegal, cause significant disruption to the school operation, or cause substantial harm to self or others. Tier V behaviors result in off-site Suspension or Expulsion.

(a) The following behaviors shall be considered Tier V behaviors:

- (1) Acts of Exceptional Misconduct at other schools;
- (2) Vandalism/destruction of property over \$ 500;
- (3) Selling or Distribution of marijuana, prescription drugs, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia;
- (4) The Possession or Distribution of alcohol;
- (5) The Possession of drug paraphernalia or controlled substance, irrespective of the amount or type, pursuant to the criminal statutes of the District of Columbia, codified at D.C. Official Code § 48-1101 et seq. (2001)
- (6) Causing serious disruption or damage to school's computer systems, electronic files, or network;
- (7) Possession of fireworks or explosives;
- (8) Theft or attempted theft using force, coercion, intimidation, or Threat of violence;
- (9) Assault or physical attack on student or staff;
- (10) Fighting which results in a serious physical injury;
- (11) Participating in group fight which has been planned, causes major disruption to school day or results in substantial bodily injury;
- (12) Using an article that is not normally considered a weapon to injure another individual;
- (13) Use, threatened use, or transfer of any weapon;
- (14) Use, Possession, or bringing to school a loaded or unloaded firearm, as defined in 18 U.S.C. § 921 (2000), including but not limited to pistols, blank pistols, starter pistols, revolvers, rifles, and shotguns.
- (15) Any behavior that violates the Gun-Free Schools Act;
- (16) Deliberate acts that cause severe physical injury to another person (s).
- (17) Assault with a weapon;
- (18) Commission or attempted commission of any act of sexual assault or sexual aggression;
- (19) Arson;
- (20) Biohazard;
- (21) Bomb threat;
- (22) Any other intentional use of violence, force, coercion, Threats, intimidation, or other comparable conduct which causes or attempts to cause severe physical injury, substantial disruption, or obstruction of any lawful mission, process, or function of the D.C. Public Schools;
- (23) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that is illegal, causes significant disruption to the school operation, or causes substantial harm to self or others; and
- (24) Documented Pattern of Persistent Tier IV Behavior.

(b) Disciplinary responses for Tier V behaviors include:

- (1) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence; and
- (2) Expulsion.

(c) Weapons include, but are not limited to:

- (1) Weapons enumerated in D.C. Official Code § 22-4514 (2001);
- (2) Firearms as enumerated in 18 U.S.C. § 921 (2000);
- (3) Knives (e.g. bowie, dirk, lock-blade, hunting, pen, pocket, switchblade, utility, boxcutter, etc.);
- (4) Martial arts devices (e.g. Chinese stars, 'nunchucks', etc.);
- (5) Air gun, bb gun, paintball gun;
- (6) Other weapons or instruments designed to be or commonly used as weapons (e.g., chains, clubs, knuckles, night stick, pipes, studded bracelets);
- (7) Mace, pepper spray, tear gas;
- (8) Explosives;
- (9) Slingshot;
- (10) Bullets;
- (11) Chemical weapon; and
- (12) Razorblade or razor.

5-B2504. Policy for suspensions and expulsions.

2504.1 The policies and procedures described in § 2504 shall apply to all on-site and off-site Suspensions and Expulsions.

2504.2 Off-site Suspension and Expulsion shall not be used in response to unexcused tardiness or absence.

2504.3 Principals shall consider all extenuating circumstances before recommending Expulsion.

2504.4 A student may be suspended prior to a conference pursuant to § 2505 if he or she is contributing to an emergency situation in a school. An emergency situation may exist either because of general conditions in the school (e.g., a series of fires or False Alarms; a manifestly high level of student tension; an increasing number of fights or physical attacks; a large number of abuses of property) or because the behavior of an individual student is so disruptive or dangerous that he/she poses a very real and immediate threat to the health and safety of other members of the school community, or to the ability of the school community or the school or portion thereof to continue normal operations.

2504.5 A student may be expelled from DCPS only for the commission of an infraction as set forth in § 2502.5.

2504.6 Students who have been suspended or expelled shall not be eligible to participate in any school function for the duration of their Suspension or Expulsion. The only exceptions that may be authorized by the Chancellor or his or her designee shall be for system-wide testing, or College Board or admission examinations.

2504.7 Any Suspension, including on-site Suspension, in excess of two (2) in a single semester must be approved by a person designated by the Chancellor.

2504.8 In accordance with the 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.), all children of compulsory school age are required to attend school or receive an equivalent education approved by the Office of the State Superintendent of

Education. Notwithstanding the parent's responsibility to ensure that the child attends a school, a student may be subject to Suspension or Expulsion from DCPS pursuant to this chapter.

2504.9 The principal or other school official may establish, or make a referral to, a special class or other supervised program for students who are suspended, subject to the approval of a person designated by the Chancellor. This special class or other supervised program may be located within a student's home school or at another appropriate DCPS site.

2504.10 A student who has been suspended or expelled shall have access to an Education Plan as follows:

(a) If a student is suspended for fewer than eleven (11) days, the principal initiating the Suspension shall provide an Education Plan that meets the student's educational needs and allows the student to make up any class and homework assignments and exams without penalty.

(b) If a student is suspended for eleven (11) days or more or expelled, the student shall be placed in an Alternative Educational Setting that will allow the student the opportunity to continue to earn credits towards promotion or graduation requirements.

2504.11 Restitution and/or school service may be required in any case involving school property (e.g., arson, vandalism, burglary, robbery). The amount of restitution or type of school service shall be determined by a person designated by the Chancellor.

2504.12 If a student's Suspension or Expulsion is for a period exceeding the number of school days remaining in the school year, any remaining part of the term of the Suspension or Expulsion may be applied to the succeeding school year.

2504.13 Students younger than the age of fourteen (14) who have been suspended or expelled shall not be allowed to leave school grounds during school hours unless accompanied by a parent or guardian, or his or her designee. Students older than fourteen (14) who have been suspended or expelled shall not be allowed to leave school grounds during school hours until a parent or guardian, or his or her designee, has been contacted by phone or in person and given a reasonable opportunity to arrange for proper supervision of the student. If the parent or guardian of a suspended student cannot be notified by phone or in person, the student must remain at school until the end of the school day.

2504.14 If the parent or guardian of a student who has been suspended cannot be contacted by phone or in person before the next school day, and the student arrives at school, he or she must remain in the building until a parent or guardian can be contacted and given a reasonable opportunity to arrange for proper supervision of the student or until the end of the school day. The student may be segregated and must be appropriately supervised during this time. Any such day will count toward fulfilling the term of the student's Suspension.

2505.15 Except in cases of immediate emergency Suspensions pursuant to § 2504.4, students shall remain in their regular assigned classroom or education setting until the final determination of the Suspension has been made.

2504.16 For students seeking to enroll in DCPS and who have been suspended or expelled from their current school, or who have withdrawn while disciplinary action is pending, a person designated by the Chancellor shall review the facts and circumstances regarding the student's Suspension, Expulsion, or withdrawal pending Expulsion, if the infraction for which the student was disciplined is one for which the student could have been disciplined within DCPS. The purpose of this review is to determine the appropriate placement within DCPS.

Limitations or Conditions on Exclusionary Discipline

LAWS

§ 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.

§ 38-236.03. Establishment of school discipline policies.

(b) Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff. School discipline policies shall:

- (4) Include a plan for continuity of education for any student subject to a suspension, including a mechanism for modifications to the plan to meet the needs of an individual student, as necessary, to facilitate the student's return to the classroom, and appropriate measures to ensure the student:
 - (A) Continues the student's studies during the suspension and receives all appropriate assignments for the duration of the suspension;
 - (B) Can communicate with school personnel regarding academic work; and
 - (C) Upon returning to school, has the opportunity to make up any school work missed during the suspension if the school work cannot be completed by the student during the student's suspension.

§ 38-236.04. Limitations on exclusion as a disciplinary action.

(a) Unless otherwise required by federal or District law:

- (1) Beginning in school year 2019-2020, for students in grades kindergarten through 5, and school year 2020-2021 for students in grades 6 through 8, no student may be subject to an out-of-school suspension or disciplinary unenrollment, unless a school administrator determines, consistent with school policy, that the student has willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person, including behavior that happens off school grounds;
- (2) Beginning in school year 2020-2021, no student in grades 9 through 12, except a student over 18 years of age at a school where more than 1/2 of the students are over 18 years of age, may be subject to an out-of-school suspension or disciplinary unenrollment for:
 - (A) Violating local education agency or school dress code or uniform rules;
 - (B) Willful defiance; or
 - (C) Behavior that happens off school grounds and not as part of a school-sponsored activity, unless the student has willfully caused, attempted to cause, or threatened to cause bodily injury or emotional distress to another person.

(b) No student, except a student over 18 years of age at a school where more than 1/2 of the students are over 18 years of age, may be subject to an out-of-school suspension for longer than:

- (1) Five consecutive school days for any individual incident in grades kindergarten through 5;
- (2) Ten consecutive school days for any individual incident in grades 6 through 12; or
- (3) Twenty cumulative school days during an academic year regardless of grade, unless:

(A) The head of a local education agency provides a written justification to the student and parent describing why exceeding the 20-day limit is a more appropriate disciplinary action than alternative responses; or

(B) The student's conduct necessitated an emergency removal, and the head of the local education agency provides a written justification for the emergency removal to the student and parent.

(c) No student, except a student over 18 years of age at a school where more than 1/2 of the students are over 18 years of age, may be subject to an out-of-school suspension or disciplinary unenrollment for an unexcused absence or a late arrival to school; provided, that a student may be unenrolled from a local education agency if the student has accumulated 20 or more consecutive full-school-day unexcused absences.

(d) No student subject to a suspension may be denied the right to continue to access and complete appropriate academic work or to earn credit toward promotion or graduation during a suspension.

(e) The return of a student to school upon conclusion of an out-of-school suspension shall not be made contingent on a parent accompanying the student, attending a conference, or otherwise being present at the school.

(f) Notwithstanding whether a school or local education agency states the reasoning for the removal from school or prohibition from returning to school, no student may be removed from school or prohibited from returning to school for disciplinary reasons, unless the student is subject to an out-of-school suspension or disciplinary unenrollment.

(g) For purposes of due process, a suspension of 6 school days or more shall be considered a long-term suspension.

§ 38-273.03. Restriction on out-of-school discipline for pre-k age students.

(a) Beginning in school year 2015-2016, no student of pre-k age may receive a disciplinary unenrollment, as defined in § 38-236.01(3), from any publicly funded community-based organization, school in the District of Columbia Public Schools system, or public charter school that provides pre-k care and education services to pre-k age children.

(b) Beginning in school year 2015-2016, no student of pre-k age may receive an out-of-school suspension from any publicly funded community-based organization, school in the District of Columbia Public Schools system, or public charter school that provides pre-k care and education services to pre-k age children, unless it is determined by a school or program administrator that the student has willfully caused or attempted to cause bodily injury, or threatened serious bodily injury to another person, except in self-defense. No student of pre-k age may be suspended for longer than 3 days for any individual incident.

REGULATIONS

5-B2408. Dress codes/uniforms.

2408.13 With the exception of the disciplinary action described in section 2408.16, students violating the mandatory uniform policy shall be subject to progressive corrective measures and disciplinary action. Additionally:

(a) Parents shall be called when a student reports to school out of uniform. The parent shall be asked to bring compliant clothing for the student to school.

(b) If the parents are not reachable or are unable to respond within two hours of the start of the school day, the student may be issued a conforming uniform from the school's uniform bank with directions to return it clean the next school day.

2408.14 Under no circumstance shall a student who fails to abide by a mandatory uniform policy be given out-of-school suspension or otherwise be barred from attending school.

2408.15 A fourth offense of a mandatory uniform policy may subject a student, at the principal's discretion, to on-site suspension.

2408.16 If a student fails to abide by a mandatory uniform policy more than four times, a behavioral contract may be written in which the consequences for not fulfilling the terms of the contract may include a referral to a placement team to determine a more appropriate setting. Any transfer to an alternative setting must be approved by the Chancellor.

5-B2500. General policy.

2500.4 Whenever possible, prevention, intervention, and remediation strategies shall be used in addition to disciplinary responses at all stages of the disciplinary process, including students transitioning from Suspension or Expulsion. [...]

2500.9 Disciplinary responses shall be logical, appropriate, and instructive. Disciplinary responses shall consider factors such as:

- (a) The nature of the infraction;
- (b) Circumstances relating to the infraction;
- (c) The age of the student;
- (d) The student's previous behavioral history;
- (e) Previous participation in counseling or conflict resolution efforts such as peer mediation;
- (f) Whether injury occurred;
- (g) Whether a weapon or controlled substance was involved;
- (h) The safety of other students and staff;
- (i) The educational needs of other students;
- (j) The educational needs of the student to be disciplined (including those enumerated in an IEP or a plan issued pursuant to § 504 of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 355; 29 U.S.C. § 794)); and
- (k) Extenuating circumstances.

5-B2502. Grounds for disciplinary action.

2502.1 Tier I behaviors are those behaviors that are insubordinate or cause minor disruptions to the academic environment but do not involve damage to school property or harm to self or others. Tier I behaviors result in classroom-level disciplinary responses that may be elevated to administrative response if they are not successfully abated by the teacher or the appropriate school-level committee.

- (a) The following behaviors shall be considered Tier I behaviors:
 - (1) Refusal to present school-issued identification upon request;
 - (2) Attending class without required class materials or assigned work;
 - (3) Off-task behaviors that demonstrate disengagement from classroom learning;
 - (4) Behaviors that disrupt or interfere with classroom teaching and learning;
 - (5) Unexcused lateness for school or class;
 - (6) Inappropriate displays of affection;
 - (7) Excessive noise in the classroom, hall, or school building;
 - (8) Running in the classroom, hall, or school building;

- (9) Communicating with staff and peers in a manner that is not polite, courteous, or respectful;
- (10) Directing profanity or obscene/offensive gestures toward peers;
- (11) Refusal to comply with staff instructions, or classroom or school rules; and
- (12) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that is insubordinate or causes minor disruption to the academic environment but does not involve damage to school property or harm to self or others.

(b) Disciplinary responses for Tier I behaviors shall include:

- (1) Verbal redirection or reprimand;
- (2) Teacher/student conference;
- (3) Parental contact in writing or by phone;
- (4) Teacher/parent conference;
- (5) Temporary Removal of Student from Classroom;
- (6) In-School Disciplinary Action;
- (7) Behavior contract; and
- (8) Other school-based consequences as approved by a person designated by the Chancellor.

2502.2 Tier II behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the academic environment, involve damage to school property, or may cause minor harm to self or others. Tier II behaviors result in school-based and administrative disciplinary responses.

(a) The following behaviors shall be considered Tier II behaviors:

- (1) Using computer/office equipment without permission;
- (2) Intentional Misuse of School Equipment/Supplies/Facilities;
- (3) Unauthorized use of portable electronic devices during school hours (e.g. mp3 players, cell phones);
- (4) Non-compliance with approved dress code/uniform policy;
- (5) Leaving classroom without permission;
- (6) Unexcused absence from class;
- (7) Unauthorized presence in hallway during class time;
- (8) Unexcused absence from school;
- (9) Inappropriate or disruptive physical contact between students;
- (10) Directing profanity or obscene/offensive gestures toward staff;
- (11) Throwing objects that may cause injury or damage to property;
- (12) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes disruption to the academic environment, involves damage to school property, or may cause minor harm to self or others; and
- (13) Documented Pattern of Persistent Tier I Behavior.

(b) Disciplinary responses for Tier II behaviors shall include:

- (1) Verbal redirection or reprimand;
- (2) Teacher/student or administrator/student conference;
- (3) Parental contact in writing or by phone;
- (4) Administrator/parent conference;

- (5) Temporary Removal of Student from Classroom;
- (6) In-School Disciplinary Action;
- (7) Behavior contract;
- (8) Other school-based consequences as approved by a person designated by the Chancellor; and
- (9) In the case of non-compliance with an approved dress code or uniform policy, disciplinary actions described in section 2408.16 of this title.

2502.3 Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

(a) The following behaviors shall be considered Tier III behaviors:

- (1) Inappropriate Use of DCPS Computer or Network (restricted websites, offensive emails);
- (2) Sale or Distribution of any item without authorization;
- (3) Possession or Distribution of obscene or pornographic material on school premises;
- (4) Possession or Use of tobacco;
- (5) Use of alcohol;
- (6) Use of marijuana, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, or drug paraphernalia;
- (7) Unauthorized Possession, Use, or Distribution of over-the-counter medication;
- (8) Verbal, written, or physical Threat to person or property (including intimidating postures);
- (9) Obscene, seriously offensive, or abusive language or gestures;
- (10) Causing disruption on school property or at any DCPS-sponsored or supervised activity;
- (11) Gambling;
- (12) Communicating slurs based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business, including derogatory sexual language;
- (13) Engaging in Sexual Acts on school premises or at school-related functions;
- (14) Leaving school without permission;
- (15) Academic Dishonesty;
- (16) Forgery;
- (17) Lying to or giving misleading information to school staff;
- (18) Posting or distributing material or literature that is disrespectful, demeaning, humiliating, or damaging to students and/or staff. This includes posting material on internet or sending material electronically (via email or cell phone);
- (19) Engaging in behavior that demonstrates Gang/neighborhood crew affiliation (displaying clothing or gestures associated with Gangs);
- (20) Hazing;
- (21) Bullying, or using humiliating, or intimidating language or behavior, including Internet Bullying;
- (22) Possession of tools or instruments which school administrators deem could be used as weapons;
- (23) Engaging in reckless behavior that may cause harm to self or others;
- (24) Extortion;

- (25) Fighting where there is no injury and no weapon;
- (26) Trespassing;
- (27) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes significant disruption to the academic environment or causes harm to self or others;
- (28) Documented Pattern of Persistent Tier II Behavior

(b) Disciplinary responses for Tier III behaviors shall include:

- (1) Verbal redirection/reprimand;
- (2) Teacher/student conference or administrator/student conference;
- (3) Parental contact (written or by phone);
- (4) Parent conference;
- (5) Temporary Removal of Student from Classroom;
- (6) Behavior contract;
- (7) In-School Disciplinary Action;
- (8) Grade reduction for Academic Dishonesty;
- (9) On-site Short-Term Suspension with provision of appropriate intervention services;
- (10) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence; and
- (11) Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence.

2502.4 Tier IV behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the school operation, destroy school property, or cause significant harm to self or others. Tier IV behaviors result in off-site Suspension.

(a) The following behaviors shall be considered Tier IV behaviors:

- (1) Acts of vandalism, destruction of property, or graffiti (tagging);
- (2) Documented theft of school or personal property without force;
- (3) Interfering with school authorities or participating in a major disruption of the school's operation.
- (4) Tampering with, changing, or altering an official record or document of a school;
- (5) Persistent Harassment based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business;
- (6) Lewd or indecent public behavior or sexual misconduct;
- (7) Sexual Harassment;
- (8) Retaliation for reporting Harassment and Sexual Harassment;
- (9) Fighting which creates substantial risk of or results in minor injury;
- (10) Inciting others to violence or disruption;
- (11) Activating False Alarm;
- (12) Contaminating food;
- (13) Possession of a weapon or replica or imitation of a weapon (including water guns), other than weapons subject to the requirements of the Gun-Free Schools Act;
- (14) Using an article that is not normally considered a weapon to intimidate or threaten another individual;

(15) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes disruption to the school operation, destroys school property, or causes significant harm to self or others; and

(16) Documented Pattern of Persistent Tier III Behavior enumerated at 2502.3(a)(1) through (27).

(b) Disciplinary responses for Tier IV behaviors include:

(1) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence;

(2) Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence; and

(3) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence.

2502.5 Tier V behaviors are those behaviors not specifically enumerated in any other tier in this chapter that are illegal, cause significant disruption to the school operation, or cause substantial harm to self or others. Tier V behaviors result in off-site Suspension or Expulsion.

(a) The following behaviors shall be considered Tier V behaviors:

(1) Acts of Exceptional Misconduct at other schools;

(2) Vandalism/destruction of property over \$ 500;

(3) Selling or Distribution of marijuana, prescription drugs, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia;

(4) The Possession or Distribution of alcohol;

(5) The Possession of drug paraphernalia or controlled substance, irrespective of the amount or type, pursuant to the criminal statutes of the District of Columbia, codified at D.C. Official Code § 48-1101 et seq. (2001)

(6) Causing serious disruption or damage to school's computer systems, electronic files, or network;

(7) Possession of fireworks or explosives;

(8) Theft or attempted theft using force, coercion, intimidation, or Threat of violence;

(9) Assault or physical attack on student or staff;

(10) Fighting which results in a serious physical injury;

(11) Participating in group fight which has been planned, causes major disruption to school day or results in substantial bodily injury;

(12) Using an article that is not normally considered a weapon to injure another individual;

(13) Use, threatened use, or transfer of any weapon;

(14) Use, Possession, or bringing to school a loaded or unloaded firearm, as defined in 18 U.S.C. § 921 (2000), including but not limited to pistols, blank pistols, starter pistols, revolvers, rifles, and shotguns.

(15) Any behavior that violates the Gun-Free Schools Act;

(16) Deliberate acts that cause severe physical injury to another person (s).

(17) Assault with a weapon;

(18) Commission or attempted commission of any act of sexual assault or sexual aggression;

(19) Arson;

(20) Biohazard;

(21) Bomb threat;

(22) Any other intentional use of violence, force, coercion, Threats, intimidation, or other comparable conduct which causes or attempts to cause severe physical injury, substantial disruption, or obstruction of any lawful mission, process, or function of the D.C. Public Schools;

(23) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that is illegal, causes significant disruption to the school operation, or causes substantial harm to self or others; and

(24) Documented Pattern of Persistent Tier IV Behavior.

(b) Disciplinary responses for Tier V behaviors include:

- (1) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence; and
- (2) Expulsion.

(c) Weapons include, but are not limited to:

- (1) Weapons enumerated in D.C. Official Code § 22-4514 (2001);
- (2) Firearms as enumerated in 18 U.S.C. § 921 (2000);
- (3) Knives (e.g. bowie, dirk, lock-blade, hunting, pen, pocket, switchblade, utility, boxcutter, etc.);
- (4) Martial arts devices (e.g. Chinese stars, 'nunchucks', etc.);
- (5) Air gun, bb gun, paintball gun;
- (6) Other weapons or instruments designed to be or commonly used as weapons (e.g., chains, clubs, knuckles, night stick, pipes, studded bracelets);
- (7) Mace, pepper spray, tear gas;
- (8) Explosives;
- (9) Slingshot;
- (10) Bullets;
- (11) Chemical weapon; and
- (12) Razorblade or razor.

5-B2503. Policy for disciplinary actions.

2503.4 Disciplinary responses for all tiers of behavior may be assigned only after consideration of the factors involved in the inappropriate behavior as outlined in § 2500.9, and after consideration of prevention, intervention, and remediation responses as outlined in § 2500.6.

5-B2504. Policy for suspensions and expulsions.

2504.3 Principals shall consider all extenuating circumstances before recommending Expulsion.

5-B2505. Procedures for suspensions and expulsions.

2505.2 Expulsions for violations of the Gun-Free School Act may be modified only by the Chancellor. [...]

2505.10 No more than five (5) school days after receiving the principal's findings, a person designated by the Chancellor shall either concur with or modify the recommended action. If a principal recommends Expulsion for bringing a weapon as defined in 18 U.S.C. § 921 into DCPS in violation of the Gun-Free Schools Act, only the Chancellor may modify the Expulsion recommendation.

5-B2508. Review by the chancellor.

2508.1 The Chancellor may review, at his or her discretion, any proposed disciplinary action. If the Chancellor determines that disciplinary action is not warranted, the determination shall include a statement ordering the destruction of all school records of the disciplinary action, including any reports of the disciplinary action that relate to the incident upon which the action was based, provided that, from the facts presented, it is determined that there was no violation of any DCPS rule or policy, insofar as those reports individually identify the student.

2508.2 With respect to all disciplinary actions, the Chancellor may overrule or modify any proposed disciplinary action including Expulsion. The Chancellor shall provide written justification for any modification of disciplinary action.

5-E2401. Student Bill of Rights.

2401.14 Each student shall have the right to use reasonable physical means to defend himself or herself from assault or physical abuse, and shall not be subject to suspension for using limited, reasonable, physical means to restrain another person from physically assaulting or harming a third person.

Due Process

LAWS

§ 2-1535.03. Bullying prevention policy.

(b) Each agency, educational institution, and grantee shall control the content of its policy; provided, that each policy includes:

- (8) An appeal process, in accordance with § 2-1535.04, for a person accused of bullying or a person who is the target of bullying who is not satisfied with the outcome of the initial investigation.

§ 2-1535.04. Secondary investigation appeal.

(a)(1) A party who is not satisfied with the outcome of the initial investigation conducted pursuant to § 2-1535.03(b)(7) may request a secondary investigation by submitting a written appeal to the higher-level authority in the agency, educational institution, or grantee designated to hear appeals within 30 days of the conclusion of the investigation conducted pursuant to § 2-1535.03(b)(7).

- (2) The secondary investigation shall be completed within 30 days of receipt of the appeal, unless:
 - (A) Circumstances require additional time to complete a thorough investigation;
 - (B) The higher-level authority sets forth those circumstances in writing; and
 - (C) The additional time does not exceed 15 days.

(b)(1) When an appeal for a secondary investigation is submitted, the agency, educational institution, or grantee shall inform the party about his or her ability to seek further redress under the Human Rights Act.

- (2) This section shall not be construed to limit the right of a person to assert or seek redress for a claim arising under the Human Rights Act.

§ 38-236.03. Establishment of school discipline policies.

(b) Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff. School discipline policies shall:

- (12) Articulate clearly the due process rights and procedures available to students and parents.

§ 38-236.04. Limitations on exclusion as a disciplinary action.

(g) For purposes of due process, a suspension of 6 school days or more shall be considered a long-term suspension.

REGULATIONS

4-1502. Adoption of a bullying prevention policy.

1502.3 A covered entity's bullying prevention policy shall at a minimum include the following elements:

(i) A secondary investigation appeal process, consistent with § 1506, for a person accused of bullying or a person who is the target of bullying or retaliation who is not satisfied with the outcome of an initial investigation under § 1505.

4-1506. Secondary Investigation Appeals.

1506.1 Each covered entity shall have an appeals process in place for conducting a secondary investigation where a written request for a secondary investigation is submitted within thirty (30) days after the conclusion of the initial investigation.

1506.2 The secondary investigation shall be conducted by an employee who has a higher level of authority at the covered entity than the one who conducted the investigation and who was not involved in the initial investigation.

1506.3 The secondary investigation shall be completed within thirty (30) days after receipt of the request for a secondary investigation unless the higher-level authority requires additional time to complete a thorough investigation and the higher-level authority sets forth those circumstances in writing. Under those circumstances, the deadline may be extended past the thirty (30) day period by fifteen (15) days.

1506.4 After completing the secondary investigation, the higher-level authority shall notify the parties in writing of the results of the investigation and of the party's ability to seek additional redress under the DCHRA under D.C. Official Code § 2-1402.41. Such notification must be in writing and include:

- (a) The name of the BPP Director;
- (b) The address and telephone number of the OHR;
- (c) The text contained in § 1513 of these regulations outlining the parties' options for appeal through OHR; and
- (d) Notification that complaints of violations under DCHRA and the Act must be filed within one (1) year of the incident.

5-A2103. Absentee intervention and school-based student support teams.

2103.2 Each LEA shall incorporate evidence-based practice into its absenteeism protocol, considering procedures to address the following:

- (c) Procedures for monitoring, reporting, addressing, and evaluating attendance and absences consistent with District of Columbia attendance and absence reporting requirements including:
 - (5) A process including specific due process procedures, for a parent, guardian, or student to appeal any attendance violation decisions made by the educational institution.

5-B2103. Truancy.

2103.7 A written appeal may be filed by a parent or student on behalf of any student receiving a failing grade(s) due to unexcused absences.

2103.8 An appeal filed pursuant to § 2103.7 shall be submitted to the principal of the school attended or to a designee of the Chancellor within ten (10) school days after receipt of the failing grade(s).

2103.9 Upon receipt of an appeal filed pursuant to § 2103.7, the principal or Chancellor's designee shall appoint an Appeals Panel and shall forward all written appeal requests to the panel chairperson within three (3) school days.

2103.10 The Appeals Panel referenced in § 2103.9 shall consist of not less than three (3) members to be selected from the following, one of which shall be from category (a):

- (a) A person designated by the principal or Chancellor's designee, who shall be the panel chairperson;
- (b) A guidance counselor;

- (c) A department chairperson;
- (d) A teacher, other than the one involved in the matter being appealed;
- (e) An attendance staff person; or
- (f) A representative from DCPS central office administration.

2103.11 Substitutions of no more than two (2) members of the Appeals Panel described in § 2103.10 may be made when necessary.

2103.12 The Appeals Panel shall hold a hearing within ten (10) school days after its appointment by the principal or Chancellor's designee.

2103.13 The student, his or her parent, guardian or duly authorized representative shall appear at the hearing to represent the student. One of these individuals shall be given the opportunity to present the student's case and, upon request, to question the involved teacher and to be duly informed of the panel's recommendations.

2103.14 Each appeals panelist, including the chair, shall have an equal vote; however, two (2) voting members can render a decision.

2103.15 In the case of a tie vote, the initial grade is deemed to be upheld by the Appeals Panel.

2103.16 The Appeals Panel's recommendation shall be forwarded immediately to the principal or Chancellor's designee who shall issue the Panel's decision within ten (10) school days after the hearing.

2103.17 The student, his or her parent or guardian, or duly authorized representative may appeal the decision of the Appeals Panel by writing to the Chancellor's official grade appeal designee within ten (10) school days after receipt of the decision.

2103.18 When an appeal is filed pursuant to § 2103.17, the Chancellor's official grade appeal designee shall review all documentation submitted and issue the final administrative decision in the matter.

2103.19 The following procedural guidelines shall apply to appeals reviewed pursuant to § 2103.18:

- (a) The burden to show why the grade(s) in question should be changed shall be on the student or his or her parent or guardian;
- (b) Strict rules of evidence shall not apply; and
- (c) A written determination shall be issued within five (5) school days of the review and consideration of all submitted evidence.

5-B2503. Policy for disciplinary actions.

2503.1 All disciplinary actions shall be effected pursuant to the rules in this Chapter. Disciplinary actions that do not result in removal from the classroom for more than half a school day may be effected through procedures established by the principal at each school. The principal shall establish such procedures in writing and provide a written copy to students and parents. Procedures shall include a process for appealing such disciplinary responses to the principal.

5-B2504. Policy for suspensions and expulsions.

2504.4 A student may be suspended prior to a conference pursuant to § 2505 if he or she is contributing to an emergency situation in a school. An emergency situation may exist either because of general conditions in the school (e.g., a series of fires or False Alarms; a manifestly high level of student tension; an increasing number of fights or physical attacks; a large number of abuses of property) or because the behavior of an individual student is so disruptive or dangerous that he/she poses a very real and immediate threat to the health and safety of other members of the school community, or to the ability of the school community or the school or portion thereof to continue normal operations.

5-B2505. Procedures for suspensions and expulsions.

2505.2 Expulsions for violations of the Gun-Free School Act may be modified only by the Chancellor.

2505.3 Any student who is to be suspended or expelled shall be given a conference with the school official responsible for proposing the disciplinary action, prior to the Suspension or Expulsion. In the event that a student is suspended pursuant to § 2504.4 due to emergency conditions, the conference shall be held no more than three (3) school days after the Suspension is initiated.

2505.4 The conference shall include a discussion of the following:

- (a) The grounds for disciplinary action as referred to in this chapter including a citation of the rule(s) upon which the action is based, and a description, in reasonable detail, of the facts and events upon which the disciplinary action is proposed;
- (b) An explanation of the evidence or facts upon which the school official has determined that the student has committed an infraction, as defined in this chapter, including a summary of the recommended disciplinary action;
- (c) An opportunity for the student to present the student's version of the facts or to explain the events or action upon which the alleged infraction is based;
- (d) The decision regarding the infraction and the recommended disciplinary action to be provided after the student has had an opportunity to present his or her version of the facts and/or to explain the events or actions upon which the alleged infraction is based;
- (e) A statement informing the adult student, or minor student's parent or guardian, of the right to examine the student's records and any official report of the incident prior to the imposition of the proposed discipline; and
- (f) The student's rights to an appeal pursuant to § 2505.13 or to a hearing pursuant to § 2505.14.
- (g) If the principal is recommending Long-Term Suspension or Expulsion, the principal shall report his or her findings and recommendations from the conference in writing to the student and parent or guardian and a person designated by the Chancellor. The principal shall also inform the student and parent or guardian in writing of disciplinary hearing procedures, appeal rights, the intervention supports available to the student, and the requirements for readmission.

2505.5 The conference may include the parent or guardian, witnesses, and/or legal representative, but participation by such party(ies) shall not be required.

2505.6 Students and parents or guardians shall be provided written notice of all Suspensions and Expulsions as follows:

- (a) No student may be suspended or expelled, including on-site Suspension, without written notice to the adult student or minor student's parent or guardian.
- (b) Following the oral notice provided to parents or guardians pursuant to § 2504.13 verifiable written notice using contact information provided by the parent or guardian (e.g. email, certified mail, or hand-delivered mail with a signature receipt) of all authorized or proposed Suspensions and Expulsions must be sent to the parent or guardian or to the adult student no later than one (1) school day after the decision by the principal or a person designated by the Chancellor to authorize or propose Suspension or Expulsion.
- (c) The notice must inform the parent or guardian of the identity of the person who has the authority to modify or rescind the proposed Suspension or Expulsion. Adult students shall receive notification of their infraction in the same manner.
- (d) The notice must also include a description of the infraction including a citation of the rule(s) upon which the action is based, a summary of the facts, the length of the proposed Suspension or Expulsion,

the principal's recommendation for an Education Plan or Alternative Educational Setting; and a description of the student's right to appeal pursuant to § 2505.13 or to a hearing pursuant to § 2505.14.

(e) A student who has been given a notice of proposed Expulsion may be immediately placed on Suspension in accordance with the rules and procedures set forth in this section.

2505.7 A principal authorizing Short-Term Suspension shall submit the authorization to a person designated by the Chancellor within one (1) school day.

2505.8 A principal or school official proposing Medium- or Long-Term Suspension must immediately submit the proposal to a person designated by the Chancellor. A person designated by the Chancellor may authorize the proposed Suspension or modify it to reduce the number of days suspended.

2505.9 A principal or school official proposing Expulsion shall make a written recommendation for Expulsion to a person designated by the Chancellor no more than one (1) school day after the Expulsion conference. The principal's recommendation may be made based upon an initial recommendation from a teacher or other school official. The recommendation to expel shall be supported by sufficient written documentation to enable a person designated by the Chancellor to make an independent decision regarding Expulsion. A copy of this recommendation and any attendant documentation shall also be provided to the parent or guardian of the student involved.

2505.10 No more than five (5) school days after receiving the principal's findings, a person designated by the Chancellor shall either concur with or modify the recommended action. If a principal recommends Expulsion for bringing a weapon as defined in 18 U.S.C. § 921 into DCPS in violation of the Gun-Free Schools Act, only the Chancellor may modify the Expulsion recommendation.

2505.11 In determining whether to propose an Expulsion, a person designated by the Chancellor shall consider the factors enumerated in § 2500.

2505.12 If a person designated by the Chancellor does not concur with the recommended Expulsion, he or she may propose other disciplinary action.

2505.13 If a person designated by the Chancellor concurs with the recommended Expulsion, he or she shall immediately forward a written proposal for Expulsion to the head of the Office of Youth Engagement.

2505.14 A student who has been suspended for fewer than eleven (11) days may appeal the Suspension as follows:

(a) A Short-Term Suspension may be appealed to the principal.

(b) A Medium-Term Suspension may be appealed to a person designated by a Chancellor.

(c) All appeals must be made by the student's parent or guardian or the adult student, either orally or in writing to the principal or person designated by the Chancellor, as appropriate, no later than two (2) school days after receiving the notice of Suspension, and may be made prior to receiving formal written notice of the Suspension. An appeal made orally shall be put in writing by the person receiving the request.

(d) All appeals will be heard by the principal (for Short-Term Suspensions) or a person designated by the Chancellor (for Medium-Term Suspensions) no later than one (1) school day after the appeal is requested. Upon request of the adult student or minor student's parent or guardian, the time for the appeal may be extended up to three (3) school days. The appeal may be held by telephone upon request of the parent or guardian if necessary due to health, work, or childcare.

(e) The student and his or her parent or guardian may present evidence and ask witnesses to speak.

(f) At the conclusion of the conference, the principal or a person designated by the Chancellor, as appropriate, shall render a final decision.

(g) No more than one (1) school day after the conference, the principal or a person designated by the Chancellor, as appropriate, shall give the student and his or her parent or guardian, a person

designated by the Chancellor, and the head of the Office of Youth Engagement a written summary of the conference proceedings, including the final decision.

2505.15 A student who has been suspended for eleven (11) days or more or who has been expelled shall have a disciplinary hearing pursuant to the procedures in § 2506.

2505.16 No more than one (1) school day after authorization or modification of a Long-Term Suspension or Expulsion, the person designated by the Chancellor shall forward the recommended Suspension or Expulsion to the hearing office for immediate scheduling and shall provide notice of the intent to schedule a hearing to the parent or guardian or adult student.

2505.17 Once a hearing is scheduled by the hearing office, the student shall be placed on Suspension, or in another appropriate placement until the conclusion of the hearing and appeals processes.

5-B2506. Procedures for disciplinary hearings.

2506.1 Disciplinary hearings shall be held at a time and place that is reasonably convenient to the student and parent or guardian.

2506.2 For Long-Term Suspensions and Expulsions, the hearing shall be held not more than four (4) school days after a written notice regarding disciplinary action is provided to the parent or guardian or adult student, except that the hearing may be postponed for not more than five (5) school days upon the request of the adult student, minor student's parent or guardian, or his or her representative, where postponement of the hearing is necessary to prepare for the hearing, provide for the hearing, or provide for the attendance of necessary parties, including interpreters. The hearing office shall provide written notice to the parent or guardian or adult student of the date, time, and location of the hearing immediately upon scheduling the hearing. The notice from the hearing office shall state what consequences, if any, result from failure to attend the hearing.

2506.3 The hearing shall be closed to the public unless the parent or guardian or adult student requests an open hearing.

2506.4 The student shall have a right, but shall not be required, to have a representative or legal counsel, selected by the parent or guardian or adult student.

2506.5 The student, parent or guardian, or representative shall have the right to question any witness or challenge any documentary evidence.

2506.6 The parent or guardian or adult student shall have the opportunity to present testimony and documentary evidence, including the opportunity to call any witness to present testimony relevant to the disciplinary action or other school system recommendation. The right to call witnesses shall include the right to require the presence of any involved school official.

2506.7 It shall be the burden of the DCPS to show by a preponderance of the evidence that the student did commit the infraction(s) upon which the disciplinary action is based.

2506.8 The hearing officer shall ensure that all due process procedures have been followed or waived.

2506.9 The hearing officer may question any witness or party and shall examine all documentary evidence.

2506.10 The hearing shall not be conducted according to the rules of evidence. However, the hearing officer may exclude any testimony or evidence that is irrelevant or repetitive.

2506.11 The hearing officer shall ensure that the hearing is conducted in a fair and orderly manner and shall have the authority to exclude any party or other person from the hearing on the grounds of substantial interference or obstruction of the orderly hearing process.

2506.12 The hearing officer shall make an official electronic audio recording of the hearing, which shall constitute the official record thereof. Upon request, a copy of the recording shall be made available to the

parent or guardian, adult student, or representative and the local school principal. This provision shall not preclude a parent or guardian or representative from also recording or transcribing the hearing at his or her expense.

2506.13 The principal or school official shall indicate a recommendation of the school system for the duration of the off-site placement.

5-B2507. Hearing officer recommendation.

2507.1 Within one (1) school day of the conclusion of a disciplinary hearing, the hearing officer shall issue a written recommendation which shall include the following:

- (a) A statement of the facts, as determined from the testimony and evidence presented at the hearing;
- (b) A conclusion as to whether the required due process procedures have been properly followed or waived;
- (c) A conclusion as to whether the student committed the infraction(s) upon which the disciplinary action is based; and
- (d) A determination regarding the appropriateness of the proposed disciplinary action or an order for a modification thereof, including consideration of the factors enumerated in § 2500.8 and explicit justification for any recommended modification.

2507.2 For Long-Term Suspensions, a person designated by the Chancellor shall render a final decision no later than one (1) school day after receiving the hearing officer's recommendation.

2507.3 For Expulsions, the head of the Office of Youth Engagement shall render a final decision no later than one (1) school day after receiving the hearing officer's recommendation.

2507.4 A copy of the written determination provided by a person designated by the Chancellor or by the head of the Office of Youth Engagement shall be given or mailed, within twenty-four (24) hours, to the adult student, the minor student's parent or guardian, and their representatives, if any.

2507.5 Additional copies of the determination by a person designated by the Chancellor or the head of the Office of Youth Engagement shall be sent, within twenty-four (24) hours, to the principal or other school official in charge of the school or program in which the student is enrolled, and retained in the files of the student hearing office.

2507.6 If the hearing officer recommends disciplinary action is not warranted, based on the fact that the student did not violate any DCPS rule or policy, the determination shall include an order to destroy all school records regarding the disciplinary action, including any reports that relate to the incident upon which the disciplinary action was proposed, insofar as those reports individually identify the student. If the hearing officer determines that disciplinary action is not warranted and either: (a) fails to state whether a DCPS rule or policy was violated, or, (b) states that a DCPS rule or policy was violated but nevertheless finds the disciplinary action to be unwarranted, the school may maintain documents concerning the alleged infraction until the conclusion of the school year immediately following the incident.

2507.7 Long-Term Suspension may be appealed directly to the head of the Office of Youth Engagement:

- (a) A parent or guardian, or adult student who wishes to appeal a Long-Term Suspension to the head of the Office of Youth Engagement must submit a written or oral request to appeal the proposed Long-Term Suspension within five (5) school days of receiving notification of the Long-Term Suspension. If the request is made orally, it shall be recorded in writing by the person receiving the request.
- (b) Upon receipt of an appeal, the head of the Office of Youth Engagement shall schedule a conference with the parent or guardian, or adult student, to be held within three (3) school days of receiving the appeal request.

(c) During the conference, the parent or guardian, or adult student, may present arguments in support of his or her appeal. The student shall have a right, but shall not be required, to have a representative or legal counsel, selected by the parent or guardian or adult student. The appeal may be held by telephone upon request of the parent or guardian. The conference may be recorded by any of the parties.

(d) No more than two (2) school days after the conclusion of the conference, the head of the Office of Youth Engagement shall render a final decision. The head of the Office of Youth Engagement shall provide the parent or guardian, or adult student, and a person designated by the Chancellor, a written summary of the conference proceedings and decision.

2507.8 If the head of the Office of Youth Engagement has authorized Expulsion for violating the Gun-Free Schools Act, the parent or guardian or adult student may appeal the decision to the Chancellor pursuant to the process outlined in § 2507.9. The decision of the Chancellor shall be final and shall be provided in writing to the parent or guardian, or adult student, person designated by the Chancellor, and the principal of the school from which the student was expelled.

2507.8 Notwithstanding the other provisions of this section, a person designated by the Chancellor may, at his or her discretion, initiate Expulsion action without the recommendation of a principal or designee.

2507.9 An Expulsion may be appealed directly to the Chancellor.

(a) A parent or guardian, or adult student who wishes to appeal an Expulsion directly to the Chancellor must submit a written or oral request to appeal the proposal within five (5) school days of receiving notification of the Expulsion. If the request is made orally, it shall be recorded in writing by the person receiving the request.

(b) Upon receipt of an appeal, the Chancellor or his/her designee shall schedule a conference with the parent or guardian, or adult student, to be held within three (3) school days of receiving the appeal request.

(c) During the conference, the parent or guardian, or adult student, may present arguments in support of his or her appeal. The student shall have a right, but shall not be required, to have a representative or legal counsel, selected by the parent or guardian or adult student. The appeal may be held by telephone upon request of the parent or guardian. The conference may be recorded by any of the parties.

(d) No more than two (2) school days after the conclusion of the conference, the Chancellor shall render a final decision. The Chancellor shall provide the parent or guardian, or adult student, a person designated by the Chancellor, and the head of the Office of Youth Engagement a written summary of the conference proceedings and his or her final decision.

Return to School Following Removal

LAWS

§ 38-236.03. Establishment of school discipline policies.

(b) Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff. School discipline policies shall:

(4) Include a plan for continuity of education for any student subject to a suspension, including a mechanism for modifications to the plan to meet the needs of an individual student, as necessary, to facilitate the student's return to the classroom, and appropriate measures to ensure the student:

- (A) Continues the student's studies during the suspension and receives all appropriate assignments for the duration of the suspension;
- (B) Can communicate with school personnel regarding academic work; and
- (C) Upon returning to school, has the opportunity to make up any school work missed during the suspension if the school work cannot be completed by the student during the student's suspension.

§ 38-236.04. Limitations on exclusion as a disciplinary action.

(e) The return of a student to school upon conclusion of an out-of-school suspension shall not be made contingent on a parent accompanying the student, attending a conference, or otherwise being present at the school.

(f) Notwithstanding whether a school or local education agency states the reasoning for the removal from school or prohibition from returning to school, no student may be removed from school or prohibited from returning to school for disciplinary reasons, unless the student is subject to an out-of-school suspension or disciplinary unenrollment.

REGULATIONS

5-B2500. General policy.

2500.4 Whenever possible, prevention, intervention, and remediation strategies shall be used in addition to disciplinary responses at all stages of the disciplinary process, including students transitioning from Suspension or Expulsion.

5-B2504. Policy for suspensions and expulsions.

2504.16 For students seeking to enroll in DCPS and who have been suspended or expelled from their current school, or who have withdrawn while disciplinary action is pending, a person designated by the Chancellor shall review the facts and circumstances regarding the student's Suspension, Expulsion, or withdrawal pending Expulsion, if the infraction for which the student was disciplined is one for which the student could have been disciplined within DCPS. The purpose of this review is to determine the appropriate placement within DCPS.

5-B2509. Re-entry following expulsion.

2509.3 Effort shall be made to return the student to his or her previous school, unless a person designated by the Chancellor reasonably concludes based on the conference that another school is a more appropriate setting. [...]

2509.5 The principal of the receiving school shall ensure the returning student receives an appropriate academic program, as well as services to ensure a smooth transition back into the general school population (e.g., SST meeting, counseling, etc.).

Alternative Placements

LAWS

§ 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 April 9, 1997:

(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.

REGULATIONS

5-A7500. General provisions.

7500.1 The purpose of this chapter is to:

- (a) Set forth the eligibility criteria for a school or specialized program within a school to be designated as an alternative program and describe the manner in which students enrolled in the alternative program are funded on a per pupil basis;
- (b) Establish the process for application for an alternative program designation; and
- (c) Set forth OSSE's authority to monitor compliance with and enforce this chapter.

7500.2 OSSE may publish policies, procedures, or guidance related to alternative programs. Any OSSE policies and procedures related to alternative programs shall be posted on the OSSE website.

5-A7501. Alternative Program Designation.

7501.1 OSSE shall designate a school, or a specialized program within a school, as an alternative program for the purposes of a local education agency (LEA) receiving a per pupil allocation at the "Alternative Program" level, as set forth in D.C. Official Code § 38-2903, as follows:

- (a) For a school, or a specialized program within a school, that does not have a prior alternative program designation, as defined in this chapter, or that is applying for this designation for the first time, the designation pursuant to this chapter shall take effect for school year 2019-2020; and
- (b) For a school, or specialized program within a school, with a prior alternative program designation, as defined in this chapter, the prior designation shall be maintained for school year 2019-2020 and the designation pursuant to this chapter shall take effect for school year 2020-2021.

7501.2 The alternative program designation shall be valid for a period of three (3) years from the date the designation was issued by OSSE.

7501.3 Notwithstanding § 7501.2, a school, or specialized program within a school, that is in its first year of operation may be designated as an alternative program for a period of one year from the date the designation was issued by OSSE.

7501.4 An LEA shall receive per pupil funding at the "Alternative Program" level for students enrolled in a designated alternative program as follows:

- (a) An LEA shall receive this funding for each student enrolled in a designated alternative program receiving full-time equivalent instruction and between the ages of thirteen (13) to twenty-four (24);
- (b) An LEA shall not receive this funding for any student that is enrolled in a designated alternative program below the age of 13 or of the age of 25 years old or above; and
- (c) Notwithstanding §§ 7501.4(a)-(b), an LEA shall receive this funding for each student, regardless of age, enrolled in a designated alternative program that only serves students currently under the supervision of the Department of Youth Rehabilitation Services (DYRS) or only serves students who are in a long-term suspension or expulsion status from the student's last school of attendance due to a disciplinary infraction.

5-A7502. Eligibility criteria for alternative program designation.

7502.1 To be a designated alternative program, the following criteria shall be satisfactorily demonstrated upon application and maintained throughout the designation period:

- (a) The school mission includes a focus on serving students meeting any of the criteria described in § 7502.1(e);
- (b) The school or specialized program within the school provides programming, including but not limited to, instruction, and academic and non-academic supports targeted to students meeting any of the criteria described in § 7502.1(e);
- (c) The school or specialized program within the school provides a full-time equivalent academic track culminating in the first-time completion of a secondary academic credential;
- (d) The students enrolled in the school, or in the specialized program within the school, include, but are not necessarily limited to, those who have reached the minimum age of thirteen (13) and who have not exceeded the maximum age of twenty-four (24);
- (e) Based on either the prior school year or an average of the previous two (2) school years, seventy-five percent (75%) of the students between the ages of thirteen (13) and twenty-four (24) enrolled in full-time equivalent instruction in the school, or specialized program within the school, identified as one or more of the following:
 - (1) At least one year older, or more, than the expected age for the grade in which the student is, or should be, enrolled;
 - (2) Qualifies for Temporary Assistance for Needy Families (TANF), as defined in the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code §§ 4-201.1 et seq.);
 - (3) Qualifies for Supplemental Nutrition Assistance Program (SNAP), as defined in the Food Stamp Act of 1964, approved August 31, 1964 (78 Stat. 703; 7 USC § 8194; 2012(t));
 - (4) Experiencing homelessness, as defined in 5-A DCMR § 5099;
 - (5) Currently involved with or under the jurisdiction of the District of Columbia Child and Family Services Agency (CFSA);
 - (6) The student has been expelled from their prior school;
 - (7) The student has a history of being on short- or long-term suspension at the student's prior school(s); or
 - (8) The student is under court supervision.

7502.2 To be designated as an alternative program during the first year of a school or specialized program's operation, §§ 7502.1(a)-(d), shall be satisfactorily demonstrated upon application and maintained throughout the one-year designation period.

5-A7503. Application for alternative program designation.

7503.1 To be eligible to receive per pupil funding at the "Alternative Program" level in Fiscal Year 2020 and beyond, an LEA shall apply on behalf of a school, or specialized program within the school, for the alternative program designation.

7503.2 An application for an alternative program designation shall proceed in the manner set forth in this chapter, including as follows:

- (a) An LEA shall apply for the alternative program designation on behalf of a school, or specialized program within the school, that is not already designated as an alternative program;
- (b) Applications shall be available on an annual basis;

- (c) Applications shall be in the format and shall contain the information set forth by OSSE; and
- (d) Upon receipt of a complete application, OSSE may request further documentation or records, as necessary, to evaluate an application. The applicant shall promptly comply with OSSE's request.

7503.3 A designated alternative program shall re-apply for the alternative program designation during the final year of the designation period to ensure continuity of funding at the at the "Alternative Program" level for the next school year.

5-A7504. Annual estimate for per pupil funding.

7504.1 Once designated as an alternative program, the school or specialized program within a school, shall submit an annual estimate of the number and age of students that are projected to be enrolled in the alternative program in the next school year.

7504.2 Projections for the number and age of students that will receive per pupil funding at the "Alternative Program" level in the following school year(s) shall be determined in a manner consistent with D.C. Official Code § 38-2906.

5-A7505. Monitoring.

7505.1 OSSE may monitor designated alternative programs at any time during the funding period to verify its continued eligibility. OSSE's monitoring may include, but is not limited to, scheduled and unscheduled visits to the school or specialized program, review of student records, and review of any relevant records.

7505.2 An alternative program shall cooperate with any monitoring conducted by OSSE or any audit conducted by the Office of the Chief Financial Officer pursuant to this section, and failure to do so may result in loss of alternative program designation.

7505.3 An alternative program shall comply with the following:

- (a) Notwithstanding any other requirements set forth by federal or local law or regulation, retain any records related to the eligibility of the school or specialized program for alternative program designation, to the application process for alternative program designation, and to the criteria of individual students , for as long as the school is receiving the per pupil funding at the "Alternative Program" level and for ten (10) years after such funding ends; and
- (b) Promptly comply with all OSSE data and records requests related to its alternative program designation.

5-A7599. Definitions.

7599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Alternative Program - An entire school or specialized program within a school that is offering instruction and academic and non-academic supports to students who meet the criteria set forth in this chapter.

Full-time equivalent - Shall have the same meaning as set forth in D.C. Official Code § 38-2901(6)(A).

Local Education Agency - Pursuant to 20 USCS § 7801(30)(A), a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

Office of the State Superintendent of Education or OSSE - The state level agency established by the State Education Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2601 et seq.).

Prior alternative program designation - a school, or specialized program within a school that was designated as an Alternative Program by OSSE for Fiscal Year 2019 to receive per pupil funding at the "Alternative Program" level.

School - A public charter school authorized to operate by a chartering authority in the District of Columbia or a school within the District of Columbia Public Schools system

Secondary Academic Credential - High school diploma, GED or certificate of IEP completion.

5-B2408. Dress codes/uniforms.

2408.16 If a student fails to abide by a mandatory uniform policy more than four times, a behavioral contract may be written in which the consequences for not fulfilling the terms of the contract may include a referral to a placement team to determine a more appropriate setting. Any transfer to an alternative setting must be approved by the Chancellor.

5-B2500. General policy.

2500.10 Disciplinary responses, as defined in § 2502 of this chapter, shall be aimed, to the extent practicable under the circumstances, to enable students to continue their instructional program.

5-B2504. Policy for suspensions and expulsions.

2504.9 The principal or other school official may establish, or make a referral to, a special class or other supervised program for students who are suspended, subject to the approval of a person designated by the Chancellor. This special class or other supervised program may be located within a student's home school or at another appropriate DCPS site.

2504.10 A student who has been suspended or expelled shall have access to an Education Plan as follows:

- (a) If a student is suspended for fewer than eleven (11) days, the principal initiating the Suspension shall provide an Education Plan that meets the student's educational needs and allows the student to make up any class and homework assignments and exams without penalty.
- (b) If a student is suspended for eleven (11) days or more or expelled, the student shall be placed in an Alternative Educational Setting that will allow the student the opportunity to continue to earn credits towards promotion or graduation requirements.

5-B2505. Procedures for suspensions and expulsions.

2505.17 Once a hearing is scheduled by the hearing office, the student shall be placed on Suspension, or in another appropriate placement until the conclusion of the hearing and appeals processes.

5-B2599. Definitions.

2599.1 Unless the same term or phrase is defined in § 2599.2, the definitions set forth in § 2099 are incorporated in this chapter by reference and shall apply to the terms and phrases used in this chapter.

2599.2 As used in this chapter, the following terms and phrases shall have the meanings ascribed:
"Alternative Educational Setting" - an educational program other than that in which the student was placed prior to disciplinary action.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

§ 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.

§ 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.) [repealed, see now 20 U.S.C. § 7151] 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.

§ 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 [paragraphs (4) and (5) of this subsection] 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.

REGULATIONS

5-B2502. Grounds for disciplinary action.

2502.3 Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

(a) The following behaviors shall be considered Tier III behaviors:

- (22) Possession of tools or instruments which school administrators deem could be used as weapons. [...]

2502.4 Tier IV behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the school operation, destroy school property, or cause significant harm to self or others. Tier IV behaviors result in off-site Suspension.

(a) The following behaviors shall be considered Tier IV behaviors:

- (13) Possession of a weapon or replica or imitation of a weapon (including water guns), other than weapons subject to the requirements of the Gun-Free Schools Act. [...]

2502.5 Tier V behaviors are those behaviors not specifically enumerated in any other tier in this chapter that are illegal, cause significant disruption to the school operation, or cause substantial harm to self or others. Tier V behaviors result in off-site Suspension or Expulsion.

(a) The following behaviors shall be considered Tier V behaviors:

- (13) Use, threatened use, or transfer of any weapon;
- (14) Use, Possession, or bringing to school a loaded or unloaded firearm, as defined in 18 U.S.C. § 921 (2000), including but not limited to pistols, blank pistols, starter pistols, revolvers, rifles, and shotguns.
- (15) Any behavior that violates the Gun-Free Schools Act;
- (17) Assault with a weapon;

(c) Weapons include, but are not limited to:

- (1) Weapons enumerated in D.C. Official Code § 22-4514 (2001);
- (2) Firearms as enumerated in 18 U.S.C. § 921 (2000);
- (3) Knives (e.g. bowie, dirk, lock-blade, hunting, pen, pocket, switchblade, utility, boxcutter, etc.);
- (4) Martial arts devices (e.g. Chinese stars, 'nunchucks', etc.);
- (5) Air gun, bb gun, paintball gun;
- (6) Other weapons or instruments designed to be or commonly used as weapons (e.g., chains, clubs, knuckles, night stick, pipes, studded bracelets);
- (7) Mace, pepper spray, tear gas;
- (8) Explosives;
- (9) Slingshot;
- (10) Bullets;
- (11) Chemical weapon; and
- (12) Razorblade or razor.

5-B2505. Procedures for suspensions and expulsions.

2505.2 Expulsions for violations of the Gun-Free School Act may be modified only by the Chancellor. [...]

2505.10 No more than five (5) school days after receiving the principal's findings, a person designated by the Chancellor shall either concur with or modify the recommended action. If a principal recommends Expulsion for bringing a weapon as defined in 18 U.S.C. § 921 into DCPS in violation of the Gun-Free Schools Act, only the Chancellor may modify the Expulsion recommendation.

5-E2402. Code of student responsibilities and conduct.

2402.6 A student shall refrain from fighting, creating disturbances, denying others the use of school facilities or buildings, using or carrying any weapon on school grounds, intentionally injuring another person, or acting in a manner that would expose others to risk or danger of harm or injury.

5-E2404. Search procedures.

2404.2 Reasonable suspicion shall be premised upon any one or more of the following circumstances:

- (e) Observation of furtive or evasive behavior to suggest either concealment of a weapon, contraband, or stolen property or perpetration of an offense violative of school regulations or laws. [...]

2404.9 Magnetometers and other metal-detecting devices may be utilized by school officials at entrances to schools when deemed appropriate by the Superintendent of Schools to be necessary to deter weapons being brought onto school grounds; provided, that such devices are regularly checked and calibrated. [...]

2404.11 Students shall assume full responsibility for the contents of lockers and shall lock all lockers, or locks, after use. No student shall place, keep or store, or allow to be placed kept or stored, in his or her locker, desk, or other D.C. Public School property, any firearm, knife, explosive, or other dangerous object, the use or possession of which is prohibited by the rules of the Board of Education.

Students with Chronic Disciplinary Issues

LAWS

No relevant laws found.

REGULATIONS

5-B2408. Dress codes/uniforms.

2408.16 If a student fails to abide by a mandatory uniform policy more than four times, a behavioral contract may be written in which the consequences for not fulfilling the terms of the contract may include a referral to a placement team to determine a more appropriate setting. Any transfer to an alternative setting must be approved by the Chancellor.

5-B2502. Grounds for disciplinary action.

2502.1 Tier I behaviors are those behaviors that are insubordinate or cause minor disruptions to the academic environment but do not involve damage to school property or harm to self or others. Tier I behaviors result in classroom-level disciplinary responses that may be elevated to administrative response if they are not successfully abated by the teacher or the appropriate school-level committee.

- (a) The following behaviors shall be considered Tier I behaviors:

- (1) Refusal to present school-issued identification upon request;
- (2) Attending class without required class materials or assigned work;
- (3) Off-task behaviors that demonstrate disengagement from classroom learning;
- (4) Behaviors that disrupt or interfere with classroom teaching and learning;
- (5) Unexcused lateness for school or class;

- (6) Inappropriate displays of affection;
- (7) Excessive noise in the classroom, hall, or school building;
- (8) Running in the classroom, hall, or school building;
- (9) Communicating with staff and peers in a manner that is not polite, courteous, or respectful;
- (10) Directing profanity or obscene/offensive gestures toward peers;
- (11) Refusal to comply with staff instructions, or classroom or school rules; and
- (12) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that is insubordinate or causes minor disruption to the academic environment but does not involve damage to school property or harm to self or others.

(b) Disciplinary responses for Tier I behaviors shall include:

- (1) Verbal redirection or reprimand;
- (2) Teacher/student conference;
- (3) Parental contact in writing or by phone;
- (4) Teacher/parent conference;
- (5) Temporary Removal of Student from Classroom;
- (6) In-School Disciplinary Action;
- (7) Behavior contract; and
- (8) Other school-based consequences as approved by a person designated by the Chancellor.

2502.2 Tier II behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the academic environment, involve damage to school property, or may cause minor harm to self or others. Tier II behaviors result in school-based and administrative disciplinary responses.

(a) The following behaviors shall be considered Tier II behaviors:

- (1) Using computer/office equipment without permission;
- (2) Intentional Misuse of School Equipment/Supplies/Facilities;
- (3) Unauthorized use of portable electronic devices during school hours (e.g. mp3 players, cell phones);
- (4) Non-compliance with approved dress code/uniform policy;
- (5) Leaving classroom without permission;
- (6) Unexcused absence from class;
- (7) Unauthorized presence in hallway during class time;
- (8) Unexcused absence from school;
- (9) Inappropriate or disruptive physical contact between students;
- (10) Directing profanity or obscene/offensive gestures toward staff;
- (11) Throwing objects that may cause injury or damage to property;
- (12) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes disruption to the academic environment, involves damage to school property, or may cause minor harm to self or others; and
- (13) Documented Pattern of Persistent Tier I Behavior.

(b) Disciplinary responses for Tier II behaviors shall include:

- (1) Verbal redirection or reprimand;

- (2) Teacher/student or administrator/student conference;
- (3) Parental contact in writing or by phone;
- (4) Administrator/parent conference;
- (5) Temporary Removal of Student from Classroom;
- (6) In-School Disciplinary Action;
- (7) Behavior contract;
- (8) Other school-based consequences as approved by a person designated by the Chancellor; and
- (9) In the case of non-compliance with an approved dress code or uniform policy, disciplinary actions described in section 2408.16 of this title.

2502.3 Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

(a) The following behaviors shall be considered Tier III behaviors:

- (1) Inappropriate Use of DCPS Computer or Network (restricted websites, offensive emails);
- (2) Sale or Distribution of any item without authorization;
- (3) Possession or Distribution of obscene or pornographic material on school premises;
- (4) Possession or Use of tobacco;
- (5) Use of alcohol;
- (6) Use of marijuana, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, or drug paraphernalia;
- (7) Unauthorized Possession, Use, or Distribution of over-the-counter medication;
- (8) Verbal, written, or physical Threat to person or property (including intimidating postures);
- (9) Obscene, seriously offensive, or abusive language or gestures;
- (10) Causing disruption on school property or at any DCPS-sponsored or supervised activity;
- (11) Gambling;
- (12) Communicating slurs based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business, including derogatory sexual language;
- (13) Engaging in Sexual Acts on school premises or at school-related functions;
- (14) Leaving school without permission;
- (15) Academic Dishonesty;
- (16) Forgery;
- (17) Lying to or giving misleading information to school staff;
- (18) Posting or distributing material or literature that is disrespectful, demeaning, humiliating, or damaging to students and/or staff. This includes posting material on internet or sending material electronically (via email or cell phone);
- (19) Engaging in behavior that demonstrates Gang/neighborhood crew affiliation (displaying clothing or gestures associated with Gangs);
- (20) Hazing;
- (21) Bullying, or using humiliating, or intimidating language or behavior, including Internet Bullying;

- (22) Possession of tools or instruments which school administrators deem could be used as weapons;
- (23) Engaging in reckless behavior that may cause harm to self or others;
- (24) Extortion;
- (25) Fighting where there is no injury and no weapon;
- (26) Trespassing;
- (27) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes significant disruption to the academic environment or causes harm to self or others;
- (28) Documented Pattern of Persistent Tier II Behavior

(b) Disciplinary responses for Tier III behaviors shall include:

- (1) Verbal redirection/reprimand;
- (2) Teacher/student conference or administrator/student conference;
- (3) Parental contact (written or by phone);
- (4) Parent conference;
- (5) Temporary Removal of Student from Classroom;
- (6) Behavior contract;
- (7) In-School Disciplinary Action;
- (8) Grade reduction for Academic Dishonesty;
- (9) On-site Short-Term Suspension with provision of appropriate intervention services;
- (10) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence; and
- (11) Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence.

2502.4 Tier IV behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the school operation, destroy school property, or cause significant harm to self or others. Tier IV behaviors result in off-site Suspension.

(a) The following behaviors shall be considered Tier IV behaviors:

- (1) Acts of vandalism, destruction of property, or graffiti (tagging);
- (2) Documented theft of school or personal property without force;
- (3) Interfering with school authorities or participating in a major disruption of the school's operation.
- (4) Tampering with, changing, or altering an official record or document of a school;
- (5) Persistent Harassment based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business;
- (6) Lewd or indecent public behavior or sexual misconduct;
- (7) Sexual Harassment;
- (8) Retaliation for reporting Harassment and Sexual Harassment;
- (9) Fighting which creates substantial risk of or results in minor injury;
- (10) Inciting others to violence or disruption;
- (11) Activating False Alarm;
- (12) Contaminating food;
- (13) Possession of a weapon or replica or imitation of a weapon (including water guns), other than weapons subject to the requirements of the Gun-Free Schools Act;

(14) Using an article that is not normally considered a weapon to intimidate or threaten another individual;

(15) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that causes disruption to the school operation, destroys school property, or causes significant harm to self or others; and

(16) Documented Pattern of Persistent Tier III Behavior enumerated at 2502.3(a)(1) through (27).

(b) Disciplinary responses for Tier IV behaviors include:

(1) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence;

(2) Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence; and

(3) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence.

2502.5 Tier V behaviors are those behaviors not specifically enumerated in any other tier in this chapter that are illegal, cause significant disruption to the school operation, or cause substantial harm to self or others. Tier V behaviors result in off-site Suspension or Expulsion.

(a) The following behaviors shall be considered Tier V behaviors:

(1) Acts of Exceptional Misconduct at other schools;

(2) Vandalism/destruction of property over \$ 500;

(3) Selling or Distribution of marijuana, prescription drugs, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia;

(4) The Possession or Distribution of alcohol;

(5) The Possession of drug paraphernalia or controlled substance, irrespective of the amount or type, pursuant to the criminal statutes of the District of Columbia, codified at D.C. Official Code § 48-1101 et seq. (2001)

(6) Causing serious disruption or damage to school's computer systems, electronic files, or network;

(7) Possession of fireworks or explosives;

(8) Theft or attempted theft using force, coercion, intimidation, or Threat of violence;

(9) Assault or physical attack on student or staff;

(10) Fighting which results in a serious physical injury;

(11) Participating in group fight which has been planned, causes major disruption to school day or results in substantial bodily injury;

(12) Using an article that is not normally considered a weapon to injure another individual;

(13) Use, threatened use, or transfer of any weapon;

(14) Use, Possession, or bringing to school a loaded or unloaded firearm, as defined in 18 U.S.C. § 921 (2000), including but not limited to pistols, blank pistols, starter pistols, revolvers, rifles, and shotguns.

(15) Any behavior that violates the Gun-Free Schools Act;

(16) Deliberate acts that cause severe physical injury to another person (s).

(17) Assault with a weapon;

(18) Commission or attempted commission of any act of sexual assault or sexual aggression;

(19) Arson;

(20) Biohazard;

(21) Bomb threat;

(22) Any other intentional use of violence, force, coercion, Threats, intimidation, or other comparable conduct which causes or attempts to cause severe physical injury, substantial disruption, or obstruction of any lawful mission, process, or function of the D.C. Public Schools;

(23) Any behavior or other conduct not specifically enumerated in any other tier in this chapter that is illegal, causes significant disruption to the school operation, or causes substantial harm to self or others; and

(24) Documented Pattern of Persistent Tier IV Behavior.

(b) Disciplinary responses for Tier V behaviors include:

(1) Off-site Long-Term Suspension, except in response to unexcused tardiness or absence; and

(2) Expulsion.

(c) Weapons include, but are not limited to:

(1) Weapons enumerated in D.C. Official Code § 22-4514 (2001);

(2) Firearms as enumerated in 18 U.S.C. § 921 (2000);

(3) Knives (e.g. bowie, dirk, lock-blade, hunting, pen, pocket, switchblade, utility, boxcutter, etc.);

(4) Martial arts devices (e.g. Chinese stars, 'nunchucks', etc.);

(5) Air gun, bb gun, paintball gun;

(6) Other weapons or instruments designed to be or commonly used as weapons (e.g., chains, clubs, knuckles, night stick, pipes, studded bracelets);

(7) Mace, pepper spray, tear gas;

(8) Explosives;

(9) Slingshot;

(10) Bullets;

(11) Chemical weapon; and

(12) Razorblade or razor.

5-B2599. Definitions.

2599.1 Unless the same term or phrase is defined in § 2599.2, the definitions set forth in § 2099 are incorporated in this chapter by reference and shall apply to the terms and phrases used in this chapter.

2599.2 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

"Documented Pattern of Persistent Behavior" - repeated commission of the same or similar infraction. Behavioral occurrences on a single school day (for Elementary students) or in a single class period (for Secondary students) are considered a single infraction. To impose disciplinary action using this standard, prior infractions must be documented no later than one school day after than the occurrence of each infraction. Only infractions occurring within the current school year shall be considered in the assessment of whether a pattern of behavior exists.

Chronic Absenteeism and Truancy

LAWS

§ 38-201. Definitions.

For the purposes of this subchapter, the term:

(1A) "Chronic absenteeism" means the incidence of students missing more than 10% of school days, including excused and unexcused absences. [...]

(3B) "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.

§ 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 an educational institution 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 head of the educational institution in which the minor is enrolled 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 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.

§ 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 educational institution. These records shall be open for inspection at all times by the Board, the State Superintendent of Education, school attendance officers, or other persons authorized to enforce this subchapter. [...]

(c)(1) The absence of a minor covered by § 38-202(a) without valid excuse shall be unlawful.

(2) An absence of a minor covered by § 38-202(a) who is enrolled in a public school is deemed unexcused unless the minor's parent, guardian, or other person who has custody or control of the minor provides the school with a valid excuse for the minor's absence within 5 school days upon the minor's return to school.

(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 Office of the State Superintendent of Education, and make publicly available the following data for each school or campus under its authority 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) The work of the school-based student support teams in reducing unexcused absences, including:

(i) The number of students who were referred to a school-based student support team;

(ii) The number of students who met with a school-based student support team;

(iii) A summary of the action plans and strategies implemented by the school-based student support team to eliminate or ameliorate unexcused absences; and

(iv) A summary of the services utilized by students to reduce unexcused absences;

(v) A summary of the common barriers to implementing the recommendations of the school-based student support team;

(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) [(a-2) expired];

(B-i) The number of minors categorized by grade, or equivalent grouping for ungraded schools, that the school referred to the Court Social Services Division of the Family Court of the Superior Court of the District of Columbia for truancy; and

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

(j) By August 1, 2012, the Mayor shall develop, through rulemaking, appropriate enforcement mechanisms to ensure that each school, principal, and teacher is in full compliance with the requirements of this subchapter and any regulations issued pursuant to this subchapter.

(k) By November 30 of each year, the Office of the State Superintendent of Education shall publicly report on the state of absenteeism in the District based on data from the preceding school year, including an analysis of truancy and chronic absenteeism by school or campus and the impact of current laws on improving school attendance.

§ 38-207. Authority of police over truant child.

(a)(1) A law enforcement officer who has reasonable grounds to believe, based on the minor's age and other factors, that a minor is truant from any public, independent, private, or parochial school on a day and during the hours when the school is in session shall take that minor into custody and deliver the minor to the public, independent, private, or parochial school where the minor is presently enrolled, so long as the school is located in the District.

(2) If the minor is not currently enrolled at a public, independent, private, or parochial school, the law enforcement officer shall take the minor to the District of Columbia Public Schools placement office.

(3) If a minor is enrolled in a public, independent, private, or parochial school located within the District of Columbia, the educational institution shall receive that minor from a law enforcement officer during the hours when the school is in operation.

(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.

(c) Within 2 business days of a minor student's 10th unexcused absence during a school year, the educational institution shall send the minor's parent:

(1) Information from the Chief of Police about the compulsory attendance requirements and criminal penalties for violations of this chapter; and

(2) A letter notifying the parent that he or she may be in violation of the school attendance requirements under this chapter and may be subject to prosecution.

§ 38-208. Truancy procedures; inter-agency coordination.

(b) Within 2 business days of the 10th unexcused absence, the educational institution shall notify the Office of the State Superintendent of Education which shall provide the parent with the truancy prevention resource guide created pursuant to § 38-2602(b)(19); provided, that the parent has not received the truancy prevention resource guide before the 10th unexcused absence.

(c) In addition to the requirements set forth in subsection (b) of this section:

(1)(A) Beginning in the 2016-2017 school year, the educational institution shall refer a minor student 5 years of age through 13 years of age to the Child and Family Services Agency pursuant to § 4-1321.02(a-1), no later than 2 business days after the accrual of 10 unexcused full school day absences within a school year.

(B) Beginning in the 2016-2017 school year, the educational institution shall refer a minor student 14 years of age through 17 years of age to the Court Social Services Division of the Superior Court of the District of Columbia and to the Office of the Attorney General Juvenile Section no later than 2 business days after the accrual of 15 unexcused full school day absences within a school year.

(C) The educational institution shall have discretion with regard to the referral requirements set forth in subparagraphs (A) and (B) of this paragraph if a minor student accrues the 10th or 15th unexcused absence, respectively, within the final 10 school days of a school year.

(2) Within 3 business days of the Office of the Attorney General, Juvenile Section receiving written notification pursuant to paragraph (1)(B) of this subsection, the Office of the Attorney General shall send the minor student's parent a letter notifying the parent that he or she may be subject to prosecution for violation of the school attendance requirements under this subchapter.

(d) By July 1 of each year, the State Superintendent of Education shall send written notice to each educational institution outlining the attendance and reporting requirements outlined in this subchapter.

§ 38-209. Reporting requirements.

By July 15 of each year, beginning in 2014, the Office of the Attorney General shall submit to the Mayor and the Secretary to the Council a truancy status report on the preceding school year, which shall include the number of:

(1) Referrals it received from each educational institution;

(2) Cases it filed pursuant to this subchapter, and the outcome of each;

(3) Child-in-need of supervision cases filed pursuant to this subchapter, and the outcome of each; and

(4) Students who were enrolled in a court diversion program, or other diversion program pursuant to this subchapter.

§ 38-241. 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.

§ 38-2602. Responsibilities.

(b) The OSSE shall:

(19) By August 1, 2013, create a truancy prevention resource guide for parents and legal guardians who have children who attend a District public school, which shall be updated and made available upon request and, at minimum, include:

(A) An explanation of the District's laws and regulations related to absenteeism and truancy;

(B) Information on:

(i) What a parent or legal guardian can do to prevent truancy;

(ii) The common causes of truancy; and

(iii) Common consequences of truancy;

(C) A comprehensive list of resources that are available to a parent or legal guardian, and the student, that address the common causes of truancy and the prevention of it, such as:

(i) Hotlines that provide assistance to parents, legal guardians, and youth;

(ii) Counseling for the parent (or legal guardian) or the youth, or both;

(iii) Parenting classes;

(iv) Parent-support groups;

(v) Family psycho-education programs;

(vi) Parent-resource libraries;

(vii) Risk prevention education;

(viii) Neighborhood family support organizations and collaboratives that provide assistance to families experiencing hardship;

(ix) Behavioral health resources and programs in schools;

(x) The Behavioral Health Ombudsman Program; and

(xi) The resources at each public school for at-risk students and their parents or legal guardians.

REGULATIONS

5-A2100. General provisions.

2100.2 This chapter shall apply to a public educational institution as defined in this chapter to include any elementary or secondary educational program operating in the District of Columbia that is subject to the control or oversight of a local educational agency.

2100.3 Unless otherwise approved by OSSE, a school year for attendance purposes shall include a minimum of one hundred eighty (180) regular instructional days and the following requirements:

- (a) An instructional day shall be at least six (6) hours in length for students, including time allotted for lunch periods, recess, and class breaks;
- (b) The six (6)-hour minimum instructional day requirement shall not be applicable to an evening school program, prekindergarten program, or kindergarten program.

2100.4 Student attendance shall be consistent with the reporting requirements in Section 2101.

2100.5 Daily attendance shall include participation in school-sponsored field trips; participation in an off-site school sponsored or approved activity during a regularly scheduled school day; in-school suspensions; and the number of days a student receives instructional services while expelled or while serving an out-of-school suspension.

5-A2101. Attendance records and reporting.

2101.1 Each educational institution operating in the District of Columbia shall maintain an accurate, contemporaneous, and daily attendance record for each student who is enrolled in or who attends the educational institution.

2101.2 Records shall be maintained as follows:

- (a) The requirement to maintain an attendance record for a student who has completed the enrollment process for an educational institution shall begin on the educational institution's first (1st) official school day and continue throughout the school year, unless the student officially withdraws from the educational institution; fails to attend at least one (1) day of school in the first three (3) weeks of school without notification to the educational institution for such absence; or transfers to another educational institution; and
- (b) Expulsion or suspension of a student during the school year does not relieve the educational institution of the duty to record and report the student's daily attendance for the school year in which the expulsion or suspension occurred until such time as the student officially withdraws from or enrolls in another educational institution; or such time as the educational institution determines that, despite best efforts, it is unable to contact the parent or guardian.

2101.3 The attendance record for each student shall contain the following:

- (a) Dates of enrollment;
- (b) Daily legible or machine-readable records of daily attendance, noting the student as present or absent for a full or partial school day;
- (c) Determination of the nature of each absence as excused, unexcused; suspension-related; or expulsion-related;
- (d) Dates of withdrawal from the educational institution or confirmed transfer to another educational institution, including the name and location of the educational institution to which the student transferred and follow up notation(s) to confirm the child's new placement;
- (e) Dates of each referral to the school-based student support team, the Child and Family Services Agency ("CFSA"), the Court Social Services Division of the Superior Court of the District of Columbia

("Court Social Services"); or the Office of the Attorney General Juvenile Section ("OAG-Juvenile Section") related to absenteeism or truancy; (f) Dates of marking periods;

(g) Dates on which a law enforcement officer enforcing compulsory attendance laws returns the student to the educational institution;

(h) Daily late arrival time;

(i) Dates and times of early dismissals from the school day, as authorized by the educational institution;

(j) Dates and brief description of communications with student, parent(s) with regard to school attendance and absences, including the record of or a cross-reference to the record documenting:

(1) Contact with parents, guardians, or other primary caregivers; and (2) Interventions, services, and service referrals related to absences other than those listed in subparagraph (d);

(k) Underlying causes for student's absenteeism or truancy as determined by the school-based student support team;

(l) Action plans and strategies implemented by the school-based student support team to eliminate unexcused absences; and

(m) Services utilized by the student to reduce unexcused absences.

2101.4 For the school year 2020-21:

(a) The following definitions shall apply notwithstanding definitions set forth in § 2199.1 Absent - A student is considered absent when the student is not in attendance at expected periods of instruction at the educational institution in which the student was enrolled or in attendance at a school-approved activity.

In Person - Instruction that takes place when the student is physically present and is delivered by the school in which the student is enrolled.

One-on-one contact - Contact between the student's school of enrollment and a school official that authenticates the identity of the student when contact cannot otherwise be made in person.

Present - A student is considered present when the student is in attendance at expected periods of instruction at the educational institution in which the student was enrolled or in attendance at a school-approved activity.

Remote(ly) - Instruction that takes place with the student not physically present and delivered by the school in which the student is enrolled.

(b) For school year 2020-21, the attendance record for each student shall contain:

(1) The contents of 2101.3 except (b); and

(2) Daily legible or machine-readable records of daily attendance, noting the student as present or absent when the student attends school in-person or remotely in accordance with the local education agency's policy on remote attendance prescribed in 2101.5.

2101.5 For school year 2020-21, an educational institution shall abide by its local education agency's policy defining whether a student is present or absent in a remote setting.

(a) The local education agency's policy shall include the following:

(1) In the instance the educational institution is using a learning management system, the requirements the student must meet to authenticate the student's identity and the student's expected level of engagement using the learning management system to be considered present when attending school remotely; and/or

(2) In the instance the educational institution is not using a learning management system, the manner in which the educational institution will:

(i) Make one-on-one contact with the student daily to authenticate presence;

(ii) The medium(s) used to make one-on-one contact with the student daily to authenticate presence; and

(iii) The required engagement to constitute present when attending school remotely.

2101.6 A local education agency must provide its policy defining whether a student is present or absent when attending school remotely when seeking any modification to the requirements for a school year prescribed in 2100.3 to the Office of the State Superintendent (OSSE) for approval.

2101.7 Prior to the beginning of each school year, an educational institution shall designate an attendance monitor(s) to be responsible for collecting, maintaining, and reporting the attendance data required for each student consistent federal and District requirements. An attendance monitor shall:

- (a) Ensure timely submission of attendance in conformance with this chapter; and
- (b) Submit corrected attendance records via an automated, electronic feed, or such other format; and provide any corrections to attendance records within fifteen (15) business days of submission; and
- (c) Timely respond to requests for clarification of submitted attendance records.

2101.8 The name and contact information of the designated attendance monitor shall be reported by the educational institution prior to the first (1st) official school day of each school year to OSSE and posted in a conspicuous space on the educational institution's website.

2101.9 Within sixty (60) days after the completion of each school year, an educational institution shall submit to OSSE the report described in D.C. Official Code § 38-203.(i). Such report shall include attendance information in aggregate form, excluding individual student data.

2101.10 Prior to the beginning of each school year, OSSE shall issue a report including the following information:

- (a) Truancy rates for each educational institution;
- (b) Progress in improving attendance and reducing truancy for each educational institution; and
- (c) Each educational institution's compliance with key attendance and truancy requirements.

2101.11 An educational institution shall maintain attendance records as part of the student's permanent record and for such periods of time as may be otherwise specified by applicable laws and regulations.

2101.12 Within two (2) business days after each occurrence of a student's tenth (10th) unexcused absence during a school year, the educational institution shall:

- (a) [REPEALED];
- (b) Send the student's parent a letter, under signature of the Chief of the Metropolitan Police Department, notifying the parent that he or she may be in violation of the school attendance requirements and subject to prosecution under District of Columbia laws; and
- (c) Notify OSSE of the student's ten (10) days of unexcused absence.

2101.13 Upon notification from the educational institution under § 2101.12, OSSE shall provide the parent with a copy of the Truancy Prevention Resource Guide published by OSSE.

5-A2102. Absences.

2102.1 Any absence, including an absence from any portion of the instructional day, without a valid excuse shall be presumed to be an unexcused absence.

2102.2 An educational institution shall define categories of valid excuses for an absence, which shall include the following categories:

- (a) Illness or other bona fide medical cause experienced by the student;

- (b) Exclusion, by direction of the authorities of the District of Columbia, due to quarantine, contagious disease, infection, infestation, or other condition requiring separation from other students for medical or health reasons;
- (c) Death in the student's family;
- (d) Necessity for a student to attend judiciary or administrative proceedings as a party to the action or under subpoena;
- (e) Observance of a religious holiday;
- (f) Lawful suspension or exclusion from school by school authorities;
- (g) Temporary closing of facilities or suspension of classes due to severe weather, official activities, holidays, malfunctioning equipment, unsafe or unsanitary conditions, or other condition(s) or emergency requiring a school closing or suspension of classes;
- (h) Failure of the District of Columbia to provide transportation in cases where the District of Columbia has a legal responsibility for the transportation of the student;
- (i) Medical or dental appointments for the student;
- (j) Absences to allow students to visit their parent or a legal guardian, who is in the military; immediately before, during, or after deployment; and
- (k) An emergency or other circumstances approved by an educational institution.

2102.3 An educational institution shall publish and make available to parents and students the attendance policies and procedures, including a list of valid excused absences.

2102.4 An educational institution shall obtain an explanation from the student's parent or guardian verifying the reason for an absence.

5-A2103. Absentee intervention and school-based student support teams.

2103.1 An educational institution shall implement a specific protocol for absenteeism (absenteeism protocol) including a focus on prevention of unexcused absences, also referred to as truancy, and academic and behavioral interventions to address the needs of students.

2103.2 Each LEA shall incorporate evidence-based practice into its absenteeism protocol, considering procedures to address the following:

- (a) A description of valid excused absences consistent with this chapter;
- (b) A process for informing, training, and educating school staff, students, parents, guardians, and the community with regard to enhancing school attendance, implementing truancy reduction methods, administering attendance policies and procedures, and related collaborative services; and
- (c) Procedures for monitoring, reporting, addressing, and evaluating attendance and absences consistent with District of Columbia attendance and absence reporting requirements including:
 - (1) A procedure requiring reasonable and diligent attempts to make personal contact with the parent or guardian of a student, on the same day and each time a student has the equivalent of one (1) day of unexcused absence, with daily follow-ups as necessary;
 - (2) A continuum of school practices and services including meaningful supports, incentives, intervention strategies, and consequences for dealing with absenteeism and consultation with parents or guardians, both at the onset of absenteeism and in those circumstances where chronic absenteeism persists, which continuum shall not include off-site suspension and/or expulsion as intervention strategies;
 - (3) A referral process whereby within two (2) school days after a student has accumulated five (5) or more unexcused absences in one (1) marking period or other similar time frame, the student shall be

referred to a school-based student support team which will meet within five (5) school days of the referral and regularly thereafter to:

- (A) Review and address the student's attendance and determine the underlying cause(s) for the student's unexcused absences;
- (B) Employ reasonable and diligent efforts to communicate and to collaborate with the student and parents or guardian;
- (C) Communicate and collaborate with the student's existing Individualized Education Program (IEP) team, as applicable;
- (C) Provide timely response to the student's truant behavior;
- (D) Make recommendations for academic, diagnostic, or social work services;
- (E) Use school and community resources to abate the student's truancy including referral to a community-based organization when available; and
- (F) Develop and implement an action plan in consultation with the student and student's parents or guardian;

(4) A student who accumulates ten (10) unexcused absences at any time during a school year shall be considered to be chronically truant. The school-based student support team assigned to the student shall notify the school administrator within two (2) school days after the tenth (10th) unexcused absence with a plan for immediate intervention including delivery of community-based programs and any other assistance or services to identify and address the student's needs on an emergency basis;

(5) A process including specific due process procedures, for a parent, guardian, or student to appeal any attendance violation decisions made by the educational institution; and

(6) A process to ensure that the LEA maintains complete, accurate, and contemporaneous records of the work of the school-based student support team to reduce unexcused absences, including records of all meetings that take place after a student accumulates five (5) or more unexcused absences in one (1) marking period or other similar time frame and after a student accumulates ten (10) unexcused absences at any time during a school year.

2103.3 In addition to the report required at the end of each school year pursuant to D.C. Official Code § 38-203.(i), an educational institution shall provide, upon request, student-level data and records evidencing the work of school-based student support teams.

2103.4 A school-based student support team shall be guided by the following principles:

- (a) Prior to performing school-based student support team functions, appointed team members shall be provided training on the compulsory attendance laws, regulations, and policies of the District of Columbia and OSSE; absenteeism and truancy intervention strategies and best practices; and available remedies and services to ameliorate the causes of absenteeism and truancy;
- (b) A school-based student support team shall include the educational institution's designated attendance monitor;
- (c) Core school-based student support team membership should typically include a:
 - (1) General education teacher;
 - (2) School nurse, psychologist, counselor, and/or social worker, if applicable; and
 - (3) School administrator with decision-making authority.
- (d) Selection of additional members of a team should be guided by the needs of the particular student, which may include the following:
 - (1) IDEA/Section 504 coordinator and/or special education personnel;

- (2) Early learning/Head Start teacher;
- (3) Bilingual or English as a second language teacher;
- (4) Representatives of CFSA and/or Department of Youth Rehabilitation Services (DYRS);
- (5) McKinney-Vento homeless liaison; and/or
- (6) Guardian ad litem.

2103.5 Each educational institution shall develop a process to refer students to District of Columbia entities under the following circumstances:

- (a) Students ages five (5) through thirteen (13) shall be referred by the educational institution to the Child and Family Services Agency not later than two (2) business days after the accrual of ten (10) unexcused absences within a school year; and
- (b) Beginning in the 2013-14 school year, students ages fourteen (14) through seventeen (17) shall be referred by the educational institution to the Court Social Services Division of the Superior Court of the District of Columbia and to the Office of Attorney General Juvenile Section no later than two (2) business days after the accrual of fifteen (15) unexcused absences within a school year.

2103.6 Copies of the following documents shall be provided with a referral made pursuant to this chapter:

- (a) The student's attendance and absence record;
- (b) Any prevention and intervention plans;
- (c) Documentation related to referrals and outcome of such referrals;
- (d) Documentation representing evidence of communications, services, and attendance related interventions taken by the school;
- (e) Documentation of suspected educational neglect;
- (f) Documentation of personal contacts with, and written notification to, parents or guardians with regard to the unexcused absences; and
- (g) If applicable, the student's Individualized Education Program pursuant to IDEA or Section 504 services plan, with any supporting evaluations or assessments.

5-A2199. Definitions.

"Absence"- A full or partial school day on which the student is not physically in attendance at scheduled periods of actual instruction at the educational institution in which s/he was enrolled or attended, and is not in attendance at a school-approved activity that constitutes part of the approved school program.

"Absenteeism"- A pattern of not attending school, including the total number of school days within one school year on which a student is marked with an excused or unexcused absence.

"Action plan"- A written document that is designed to meet the individual and specialized needs of the student and contains the relevant details of the student's attendance record, the school-based or third-party-provided interventions toward addressing the underlying causes of truancy as determined by the school-based student support team, and expected attendance goals.

"Attendance monitor" - The person(s) designated by the principal or chief school administrator of an educational institution to be responsible for collecting, maintaining, and reporting attendance records that are required pursuant to District of Columbia compulsory education and school attendance laws, regulations, and OSSE policies for each student enrolled in the educational institution.

"Chronic Absenteeism" - The accumulation within one (1) school year of ten (10) or more school days on which a student is marked absent, including excused and unexcused absences.

"Chronically Truant" - A school aged child who is absent from school without a legitimate excuse for ten (10) or more days within a single school year.

"Consultation"- A meeting or conversation between the school-based student support team of an educational institution and a student's parents or guardians in which the team, on the part of the educational institution, engages in meaningful discussions about the issues underlying the student's absenteeism prior to making any decision about action plans, interventions, or services to address the student's absenteeism.

"Educational institution" - a school in the District of Columbia Public Schools system, or a public charter school.

"Educational neglect" - The failure of a parent or guardian to ensure that a child attends school consistent with the requirements of the law including, without limitation, the failure to enroll a school-age child in an educational institution or provide appropriate private instruction; permitting chronic absenteeism from school; inattention to special education needs; refusal to allow or failure to obtain recommended remedial education services; or the failure to obtain treatment or other special education services without reasonable cause.

"Elementary/secondary educational program" - A course of instruction and study from and including pre-Kindergarten through the end of high school, any portion thereof, or its equivalent.

"Enrollment"- A process through which a student obtains admission to a public or public charter school that includes, at a minimum the following stages:

- (1) Application by student to attend the school;
- (2) Acceptance and notification of an available slot to the student by the school;
- (3) Acceptance of the offered slot by the student (signified by completion of enrollment forms and parent signature on a "letter of enrollment agreement form");
- (4) Registration of the student in the Student Information System (SIS) by school upon receipt of required enrollment forms and letter of enrollment agreement; and
- (5) Receipt of educational services, which are deemed to begin on the first official school day.
- (6) The LEA 's obligation to determine eligibility for special education services or to provide special education services on an existing IEP is triggered upon completion of registration (stage 4).

"IDEA"- The "Individuals with Disabilities Education Act", approved April 13, 1970 (84 Stat. 191; 20 U.S.C. § 1400. et seq.), as amended by Pub. L. 108-446, approved December 3, 2004 (118 Stat. 2647).

"Full school day"- The entirety of the instructional hours regularly provided on a single school day.

"Late arrival"- Arrival by a student at the educational institution after the official start of the school day as defined by the educational institution. Late arrival does not include any period of time that would constitute a partial school day as defined by this chapter.

" LEA " - Local Educational Agency, pursuant to 20 USCS § 7801.(26)(A), a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

"Marking period"- A portion of a school year between two dates, at the conclusion of which period students are graded or marked.

"McKinney-Vento"- The "McKinney-Vento Homeless Assistance Act of 1987", as amended, Title VII, Subtitle B; 42 U.S.C. 11431-11435.

"OSSE"- The Office of the State Superintendent of Education.

"Partial school day" - At least twenty percent (20%) of the instructional hours regularly provided on a single school day; which shall be deemed to be a full school day, when a student is absent during this period of time without an excused absence.

"Parent"- A parent, guardian, or other person who resides in the District and who has custody or control of a minor five (5) years of age or older.

"Present"- A single school day on which the student is physically in attendance at scheduled periods of actual instruction at the educational institution in which she or he was enrolled and registered for at least eighty percent (80%) of the full instructional day, or in attendance at a school-approved activity that constitutes part of the approved school program for that student.

"School-age child" - A child who between five (5) years of age on or before September 30 of the current school year or eighteen (18) years.

"Section 504"- Section 504 of the "Rehabilitation Act of 1973", approved September 26, 1973 (87 Stat. 394; 29 U.S.C. § 794.).

" STEM " - Educational instruction in science, technology, engineering, and mathematics.

"Truant"- A school-age child who is absent from school without a legitimate excuse for absence.

"Truancy rate"- The incidence of students who are absent without valid excuse as defined by 5 DCMR A § 2102. on ten (10) or more occasions within a single school year, divided by the total number of students enrolled for a single school year, as determined by the final enrollment audit conducted by OSSE, pursuant to D.C. Official Code § 38-203. Truancy rate may be calculated and reported at the school, LEA, and state levels.

5-B2103. Truancy.

2103.1 District of Columbia Public Schools (DCPS) elementary and secondary students who have one unexcused absence from homeroom where attendance has been taken for purposes of the Compulsory School Attendance Act shall receive appropriate absenteeism protocol interventions initiated by classroom or homeroom teachers, pursuant to the Act.

2103.2 Half-day schedules for students attending DCPS are governed by the following requirements:

- (a) Half day schedules are permitted for employed students aged seventeen (17) or older whose hours of employment fall within the regular school day;
- (b) Half day schedules are permitted for secondary students attending one of the local colleges or universities;
- (c) In order for a half-day schedule to be approved, the student's employment and work hours or college schedule must be verified by the local school. Students who are not employed or attending one of the local colleges or universities will have a full course schedule, as will those whose employment begins after regular school hours.

2103.3 DCPS students accumulating thirty (30) or more unexcused absences within a full school year shall only be promoted if they meet an exception set forth in D.C. Official Code §§ 38-781.02(c) or 38-781.05.

2103.4 DCPS secondary students with ten (10) unexcused absences in any class shall receive an initial written notice that they are at risk of receiving a grade of "FA" (failure due to absences) in that subject upon accumulating more than thirty (30) unexcused absences unless an exception applies.

2103.5 DCPS secondary students with fifteen (15) unexcused absences in any class shall receive an additional written warning that they are at risk of receiving a grade of "FA" (failure due to absences) in that subject upon accumulating more than thirty (30) unexcused absences.

2103.6 DCPS secondary students accumulating more than thirty (30) unexcused absences in a course within a full school year shall receive a failing final grade in that course with a resulting loss of course credit.

2103.7 A written appeal may be filed by a parent or student on behalf of any student receiving a failing grade(s) due to unexcused absences.

2103.8 An appeal filed pursuant to § 2103.7 shall be submitted to the principal of the school attended or to a designee of the Chancellor within ten (10) school days after receipt of the failing grade(s).

2103.9 Upon receipt of an appeal filed pursuant to § 2103.7, the principal or Chancellor's designee shall appoint an Appeals Panel and shall forward all written appeal requests to the panel chairperson within three (3) school days.

2103.10 The Appeals Panel referenced in § 2103.9 shall consist of not less than three (3) members to be selected from the following, one of which shall be from category (a):

- (a) A person designated by the principal or Chancellor's designee, who shall be the panel chairperson;
- (b) A guidance counselor;
- (c) A department chairperson;
- (d) A teacher, other than the one involved in the matter being appealed;
- (e) An attendance staff person; or
- (f) A representative from DCPS central office administration.

2103.11 Substitutions of no more than two (2) members of the Appeals Panel described in § 2103.10 may be made when necessary.

2103.12 The Appeals Panel shall hold a hearing within ten (10) school days after its appointment by the principal or Chancellor's designee.

2103.13 The student, his or her parent, guardian or duly authorized representative shall appear at the hearing to represent the student. One of these individuals shall be given the opportunity to present the student's case and, upon request, to question the involved teacher and to be duly informed of the panel's recommendations.

2103.14 Each appeals panelist, including the chair, shall have an equal vote; however, two (2) voting members can render a decision.

2103.15 In the case of a tie vote, the initial grade is deemed to be upheld by the Appeals Panel.

2103.16 The Appeals Panel's recommendation shall be forwarded immediately to the principal or Chancellor's designee who shall issue the Panel's decision within ten (10) school days after the hearing.

2103.17 The student, his or her parent or guardian, or duly authorized representative may appeal the decision of the Appeals Panel by writing to the Chancellor's official grade appeal designee within ten (10) school days after receipt of the decision.

2103.18 When an appeal is filed pursuant to § 2103.17, the Chancellor's official grade appeal designee shall review all documentation submitted and issue the final administrative decision in the matter.

2103.19 The following procedural guidelines shall apply to appeals reviewed pursuant to § 2103.18:

- (a) The burden to show why the grade(s) in question should be changed shall be on the student or his or her parent or guardian;
- (b) Strict rules of evidence shall not apply; and
- (c) A written determination shall be issued within five (5) school days of the review and consideration of all submitted evidence.

5-B2500. General policy.

2500.6 Options for prevention, intervention, and remediation shall include, but not be limited to:

- (b) Attendance intervention plans.

5-B2502. Grounds for disciplinary action.

2502.1 Tier I behaviors are those behaviors that are insubordinate or cause minor disruptions to the academic environment but do not involve damage to school property or harm to self or others. Tier I behaviors result in classroom-level disciplinary responses that may be elevated to administrative response if they are not successfully abated by the teacher or the appropriate school-level committee.

- (a) The following behaviors shall be considered Tier I behaviors:

- (5) Unexcused lateness for school or class. [...]

2502.2 Tier II behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the academic environment, involve damage to school property, or may cause minor harm to self or others. Tier II behaviors result in school-based and administrative disciplinary responses.

- (a) The following behaviors shall be considered Tier II behaviors:

- (6) Unexcused absence from class;
 - (8) Unexcused absence from school.

5-B2504. Policy for suspensions and expulsions.

2504.8 In accordance with the 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.), all children of compulsory school age are required to attend school or receive an equivalent education approved by the Office of the State Superintendent of Education. Notwithstanding the parent's responsibility to ensure that the child attends a school, a student may be subject to Suspension or Expulsion from DCPS pursuant to this chapter.

5-E2402. Code of student responsibilities and conduct.

2402.9 A student shall respect the educational process and learning environment of others by refraining from intentional or habitual tardiness, unexcused absences, or other activities that diminish the rights of others and the opportunity for other students to receive an education and obtain the maximum benefit from a public education.

Substance Use

LAWS

§ 2-1595. Duties.

(b)(1) All programs shall be evidence-based, age-appropriate, and implemented to serve children and their families and shall include:

- (B) School-based violence and substance abuse prevention.

§ 38-651.10. Misuse.

(a) A school may deny a medication action plan pursuant to terms established by the Mayor.

(b) A student who self-administers medication while at school, at a school-sponsored activity, or while on school-sponsored transportation for a purpose other than his or her own treatment may be subject to

disciplinary action by the school; provided, that disciplinary action shall not limit or restrict the access of a student to his or her prescribed medication. The school shall promptly notify the responsible person of any disciplinary action imposed.

§ 38-827.01. Establishment of the Healthy Youth and Schools Commission.

(a) There is established the Healthy Youth and Schools Commission with the purpose of advising the Mayor and the Council on health, wellness, and nutritional issues concerning youth and schools in the District, including:

- (10) Substance abuse.

REGULATIONS

5-B2500. General policy.

2500.6 Options for prevention, intervention, and remediation shall include, but not be limited to:

- (v) Referral to substance abuse counseling service.

5-B2502. Grounds for disciplinary action.

2502.3 Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

(a) The following behaviors shall be considered Tier III behaviors:

- (4) Possession or Use of tobacco;
- (5) Use of alcohol;
- (6) Use of marijuana, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, or drug paraphernalia;
- (7) Unauthorized Possession, Use, or Distribution of over-the-counter medication. [...]

(b) Disciplinary responses for Tier III behaviors shall include:

- (1) Verbal redirection/reprimand;
- (2) Teacher/student conference or administrator/student conference;
- (3) Parental contact (written or by phone);
- (4) Parent conference;
- (5) Temporary Removal of Student from Classroom;
- (6) Behavior contract;
- (7) In-School Disciplinary Action;
- (8) Grade reduction for Academic Dishonesty;
- (9) On-site Short-Term Suspension with provision of appropriate intervention services;
- (10) Off-site Short-Term Suspension, except in response to unexcused tardiness or absence; and
- (11) Off-site Medium-Term Suspension, except in response to unexcused tardiness or absence. [...]

2502.5 Tier V behaviors are those behaviors not specifically enumerated in any other tier in this chapter that are illegal, cause significant disruption to the school operation, or cause substantial harm to self or others. Tier V behaviors result in off-site Suspension or Expulsion.

(a) The following behaviors shall be considered Tier V behaviors:

- (3) Selling or Distribution of marijuana, prescription drugs, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia;

(4) The Possession or Distribution of alcohol;

(5) The Possession of drug paraphernalia or controlled substance, irrespective of the amount or type, pursuant to the criminal statutes of the District of Columbia, codified at D.C. Official Code § 48-1101 et seq. (2001).

5-B2599. Definitions.

2599.1 Unless the same term or phrase is defined in § 2599.2, the definitions set forth in § 2099 are incorporated in this chapter by reference and shall apply to the terms and phrases used in this chapter.

2599.2 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

"Use" - when referring to alcohol, marijuana or other illegal drugs, or prescription medication, means a finding, based on reasonable evidence, that a student was found to have consumed such substances without proper authorization, or that a student was found, based on reasonable evidence, to be or have been under the influence of same while under the jurisdiction of DCPS authority.

5-E2402. Code of student responsibilities and conduct.

2402.8 A student shall respect the health and safety of others and shall refrain from using tobacco; or using, possessing, transmitting, or being under the influence of any alcoholic beverage, narcotic substance, or illegal or prohibited drug or substance; or by engaging in gambling, extortion, theft, assault, excessive noise, or any other unlawful activity.

Gang-related Activity

LAWS

§ 2-1531.01. Establishment of a gang and crew intervention joint working group.

(b) The Joint Working Group shall develop a coordinated response to high-profile youth violence through the following measures:

(3) Coordinate existing resources to respond to critical incidents by:

(C) Engaging staff and School Resource Officers of middle and high schools in targeted neighborhoods in the CI process, as appropriate. [...]

(4) Identify targeted youth by:

(A) Identifying existing and emerging conflicts between gangs and crews based on MPD's Gang Intelligence Fusion Unit, MPD Division officers, and street intelligence from community partners and schools;

(B) In partnership with schools and community partners, identifying the youth most immediately at risk of involvement in violent behavior in targeted neighborhoods. [...]

(5) Intervene with targeted youth by:

(A) Developing protocols for CIs that outline the necessary steps when responding to violent incidents involving youth, including the development of containment and de-escalation strategies that are incident-specific and designed to prevent acts of retaliation; provided, that:

§ 5-132.01. Definitions.

For the purposes of this subchapter, the term:

(1) "Chancellor" means the Chancellor of the District of Columbia Public Schools.

(1A) "DCPS" means the District of Columbia Public Schools.

(1B) "MOA" means the Memorandum of Agreement into which DCPS and MPD enter pursuant to § 5-132.04.

(2) "MPD" means the Metropolitan Police Department.

(2A) "Public charter schools" shall have the same meaning as provided in § 38-1800.02(29).

(3) "School resource officer" means a sworn MPD officer assigned to DCPS or public charter schools for the purpose of working in collaboration with DCPS, public charter schools, and community-based organizations to:

(A) Prevent crime through community-oriented policing strategies;

(B) Address crime and disorder, gang, and drug activity problems affecting or occurring in or around the schools to which the school resource officer is assigned; and

(C) Ensure that DCPS schools and grounds and public charter schools and their grounds are safe environments for students, teachers, and staff.

(5) "School security personnel" means individuals, including unarmed security guards, that DCPS hires or contracts to support safety in DCPS schools.

(5A) "Security-related contract" means any contract to provide physical or personal security services, including school security personnel, at DCPS schools.

§ 5-132.02. Establishment of the Metropolitan Police Department School Safety Division; functions of the School Safety Division.

(a) There is established within the Metropolitan Police Department a School Safety Division that shall provide school resource officers to the DCPS schools and public charter schools.

(b) The School Safety Division shall be headed by a Director, appointed by, and reporting to, the Chief of Police with rank equal to a Commander or above.

(c) The School Safety Division shall:

(1) Hire and train school resource officers;

(2) Deploy school resource officers to:

(A) DCPS schools, consistent with the terms of the MOA; and

(B) Public charter schools;

(3) Coordinate with DCPS and public charter schools regarding the use and sharing of resources and communications between MPD and school-specific safety teams; and

(4) Provide recommendations to the Mayor, Council, and the DCPS Chancellor regarding the impact of school closings, consolidations, grade reconfigurations, use of swing space during school reconstruction, and gang and crew violence on the safety and well-being of children.

(d)(1) The School Safety Division shall develop a plan to be implemented before the beginning of each DCPS school year for protecting children walking to and from DCPS and public charter schools and for protecting children from gang and crew violence on, in, and around DCPS and public charter schools' property. Beginning in 2009, this plan shall be provided to the Mayor, the Council, and the Chancellor, by August 15th of each year.

(2) The plan shall include a description of:

(A) Safety issues children may face during passage to and from school, and recommended solutions to these issues; and

(B) A description of specific gang and crew conflicts and recommended solutions for the protection of children from gang and crew violence on, in, and around DCPS and public charter schools property.

(3) The plan shall incorporate the recommendations of the District Department of Transportation on the deployment of school crossing guards required under § 38-3101(f-1).

§ 5-132.03. Training for school resource officers.

The School Safety Division shall develop a training curriculum for all school resource officers. The curriculum shall be focused on training supervisory and on-site personnel so that they will provide appropriate security procedures for the various socioeconomic conditions at each educational facility. The curriculum shall include training in the following areas:

(9) Gang and crew violence prevention.

§ 5-132.03b. Training for school security personnel.

(a) For the school year beginning in 2020, DCPS may use the training curriculum adopted by MPD pursuant to § 5-132.03 to train its school security personnel.

(b) By the start of the school year beginning in 2021, DCPS shall adopt a school security personnel training curriculum based on the positive youth development philosophy. The curriculum shall focus on training supervisory and on-site personnel to provide security services responsive and appropriate to the student, staff, and family populations at each school building. At a minimum, the curriculum shall include training in the following areas, developed with advice from appropriate other District agencies:

(11) Violence prevention, including gang and crew dynamics.

REGULATIONS

5-B2408. Dress codes/uniforms.

2408.2 The local school dress code or uniform policy shall be as follows:

(d) Include the following principles:

(8) No student shall wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, blade, symbols, sign or other things which are evidence of affiliation with drugs, alcohol, violence or gang related activities, other criminally motivated organizations, or which exhibit profane or obscene language/gestures. [...]

2408.12 A mandatory uniform policy shall not prevent a student from wearing a button, armband, or other item guaranteed by the First Amendment to the U.S. Constitution unless the button or other item is related to gang, gang membership, gang activity, or other prohibited activity as described in any dress code established by the principal pursuant to subsection 2408.2.

5-B2502. Grounds for disciplinary action.

2502.3 Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

(a) The following behaviors shall be considered Tier III behaviors:

(19) Engaging in behavior that demonstrates Gang/neighborhood crew affiliation (displaying clothing or gestures associated with Gangs).

5-B2599. Definitions.

2599.1 Unless the same term or phrase is defined in § 2599.2, the definitions set forth in § 2099 are incorporated in this chapter by reference and shall apply to the terms and phrases used in this chapter.

2599.2 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

"Gang" - a group of individuals that are involved in illegal, intimidating or harassing conduct.

Bullying, Harassment, or Hazing

LAWS

§ 2-1535.01. Definitions.

For the purposes of this subchapter, the term:

(2)(A) "Bullying" means any severe, pervasive, or persistent act or conduct, whether physical, electronic, or verbal that:

(i) May be based on a youth's actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, place of residence or business, or any other distinguishing characteristic, or on a youth's association with a person, or group with any person, with one or more of the actual or perceived foregoing characteristics; and

(ii) Can be reasonably predicted to:

(I) Place the youth in reasonable fear of physical harm to his or her person or property;

(II) Cause a substantial detrimental effect on the youth's physical or mental health;

(III) Substantially interfere with the youth's academic performance or attendance; or

(IV) Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by an agency, educational institution, or grantee.

§ 2-1535.02. Bullying prevention task force.

(a) Within 90 days of September 14, 2012, the Mayor shall establish a bullying prevention task force.

(b)(1) The task force shall consist of representatives from a diversity of the educational institutions and agencies that will be affected by this subchapter, as well as community representatives, including:

(A) Teachers;

(B) Administrators from educational institutions and agencies;

(C) School mental health professionals;

(D) Parents, and legal guardians;

(E) Youth;

(F) Direct service providers; and

(G) Advocates.

(2) In constituting this task force, the Mayor shall consider geographic and socioeconomic diversity as well as other forms of diversity.

(c) The task force shall:

(1) Provide guidance to the Mayor on the implementation of this subchapter;

(2) Within 180 days of September 14, 2012, publicize a model policy, which shall contain each of the components required in § 2-1535.03(b);

(3) Assist educational institutions and agencies with developing policies in accordance with § 2-1535.03;

(4) Compile, and make available to each agency, educational institution, and grantee, a list of free or low-cost methods for establishing the bullying prevention programs authorized in § 2-1535.06;

- (5) Within 180 days of receipt of the bullying prevention policies submitted pursuant to § 2-1535.03(c), review each adopted policy for compliance with the requirements of § 2-1535.03(b);
 - (5A) Appropriately engage parents and legal guardians of youth served by each agency in bullying prevention efforts;
 - (5B) Provide to each agency and parents or legal guardians a referral list of community-based programs or similar resources that mitigate bullying and address identified behavioral health needs as necessary;
 - (5C) Provide consultation and review evidence-based school climate data to ensure full implementation of the law; and
 - (6) Promulgate guidelines to assist the Mayor in evaluating the effectiveness of the bullying prevention policies that have been established.
- (d) The task force shall disband by August 2018; provided, that at the discretion of the Mayor, a one-year extension may be granted by the Mayor.

§ 2-1535.03. Bullying prevention policy.

- (a) Within 365 days of September 14, 2012, in coordination with the task force established pursuant to § 2-1535.02, each agency, educational institution, and grantee shall adopt a bullying prevention policy to be enforced:
- (1) On its property, including electronic communication on, or with, its property;
 - (2) At sponsored functions;
 - (3) On its transportation, or transportation sponsored by it; and
 - (4) Through electronic communication to the extent that it is directed at a youth and it substantially interferes with the youth's ability to participate in or benefit from the services, activities, or privileges provided by the agency, education institution, or grantee.
- (b) Each agency, educational institution, and grantee shall control the content of its policy; provided, that each policy includes:
- (1) The definition of bullying set forth in § 2-1535.01(2);
 - (2) A statement prohibiting bullying;
 - (3) A statement that the policy applies to participation in functions sponsored by the agency, educational institution, or grantee;
 - (4) The expected code of conduct;
 - (5) A list of the consequences that can result from an identified incident of bullying, which are designed to:
 - (A) Appropriately correct the bullying behavior;
 - (B) Prevent another occurrence of bullying or retaliation;
 - (C) Protect the target of the bullying;
 - (D) Be flexible so that in application they can be unique to the individual incident and varied in method and severity based on the:
 - (i) Nature of the incident;
 - (ii) Developmental age of the person bullying; and
 - (iii) Any history of problem behavior from the person bullying;

- (6) A procedure for reporting bullying or retaliation for reporting an act of bullying, including for reporting bullying anonymously; provided, that no formal response shall be taken solely on the basis of an anonymous report;
 - (7) A procedure for prompt investigation of reports of violations of its policy and of complaints of bullying or retaliation, including the name and contact information of the person responsible for investigating reports;
 - (8) An appeal process, in accordance with § 2-1535.04, for a person accused of bullying or a person who is the target of bullying who is not satisfied with the outcome of the initial investigation; and
 - (9) A statement that prohibits retaliation against any person who reports bullying, including the possible consequences for a person who engages in retaliatory behavior.
- (c) Within 365 days of September 14, 2012, each agency, educational institution, and grantee shall submit a copy of its adopted policy to the task force, pursuant to § 2-1535.02(c)(5).
- (d) The requirements of this subchapter and any policy adopted pursuant to this subchapter shall be deemed to constitute health and safety requirements for educational institutions.
- (e) Information on the bullying prevention policy shall be incorporated into new employee training.
- (f) Each agency, educational institution, and grantee shall develop a plan for how the policy is to be publicized, including the plan for:
- (1) Discussing its bullying policy with youth; and
 - (2) Publicizing that the policy applies to participation in functions sponsored by an agency, educational institution, or grantee.

§ 2-1535.04. Secondary investigation appeal.

- (a)(1) A party who is not satisfied with the outcome of the initial investigation conducted pursuant to § 2-1535.03(b)(7) may request a secondary investigation by submitting a written appeal to the higher-level authority in the agency, educational institution, or grantee designated to hear appeals within 30 days of the conclusion of the investigation conducted pursuant to § 2-1535.03(b)(7).
- (2) The secondary investigation shall be completed within 30 days of receipt of the appeal, unless:
- (A) Circumstances require additional time to complete a thorough investigation;
 - (B) The higher-level authority sets forth those circumstances in writing; and
 - (C) The additional time does not exceed 15 days.
- (b)(1) When an appeal for a secondary investigation is submitted, the agency, educational institution, or grantee shall inform the party about his or her ability to seek further redress under the Human Rights Act.
- (2) This section shall not be construed to limit the right of a person to assert or seek redress for a claim arising under the Human Rights Act.

§ 2-1535.05. Retaliation.

- (a) An employee, volunteer, or youth shall not retaliate against a victim or witness of bullying or a person who reports bullying.
- (b) An employee or volunteer who has witnessed bullying in violation of a bullying prevention policy that is consistent with § 2-1535.03(a), or has reliable information that a person has been subject to bullying in violation of a bullying prevention policy that is consistent with § 2-1535.03(a), shall report the incident or information to the person designated by the agency, educational institution, or grantee, in accordance with § 2-1535.03(b)(7), as responsible for investigating the reports.

(c) An employee, volunteer, or youth who promptly and in good faith reports an incident of, or information on, bullying in compliance with the policy of the agency, educational institution, or grantee shall be immune from a cause of action for damages arising from the making of such report.

§ 2-1535.06. Bullying prevention programs.

Following the adoption of a bullying prevention policy, as required by § 2-1535.03, each agency, educational institution, and grantee may:

- (1) Establish an annual bullying prevention program for youth, which for each educational institution should align with established health-education standards;
- (2) Inform youth about their right to be free from discrimination in public accommodations and education, and of the redress available for a violation of their rights under the Human Rights Act; and
- (3) Provide training on bullying prevention to all employees and volunteers who have significant contact with youth.

§ 2-1535.07. Reporting requirement.

(a) Each educational institution shall provide to the Mayor, by a date determined by the Mayor, an annual report regarding the aggregate incidents of bullying, and any other information that the Mayor determines is necessary or appropriate.

(b) By September 1, 2014, and biennially thereafter, the Mayor shall:

- (1) Review the programs, activities, services, and policies established pursuant to this subchapter of each agency, educational institution, or grantee to determine their effectiveness and whether the agency, educational institution, or grantee is in compliance with this subchapter; and
- (2) Report the findings to the Council by December 31 of each year that a report is due, along with an assessment of the current level and nature of bullying in agencies, educational institutions, and grantees and recommendations for appropriate actions to address identified problems.

§ 2-1535.08. Availability of other remedies.

This subchapter does not create a new private right of action or provide a statutory basis for a claim for damages against the District of Columbia or its employees.

§ 2-1535.09. Rules.

The Mayor, pursuant to subchapter I of Chapter 5 of this title [§ 2-501 et seq.], may issue rules to implement the provisions of this subchapter.

REGULATIONS

4-1500. Purpose.

1500.1 The purpose of this chapter is to provide guidance, procedures and standards for the implementation of the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D. C. Law 19-167; D.C. Official Code §§ 2-1535.01 et seq.).

4-1501. Covered entities.

1501.1 The requirements of this chapter apply in whole or in part to the following entities, which are referred to collectively in this chapter as "covered entities:"

- (b) Educational institutions, as described in § 1501.2(b)

1501.2 For the purposes of this chapter, the terms "covered agency," "educational institution," and "covered grantee" are defined as follows:

(b) An "educational institution" means:

- (1) The District of Columbia Public Schools (DCPS).

4-1502. Adoption of a bullying prevention policy.

1502.1 Bullying means any severe, pervasive, or persistent act or conduct, whether physical, electronic, written or verbal that:

(a) May be based on a youth's actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, place of residence or business, or any other distinguishing characteristic, or on a youth's association with a person or group with any person, with one or more of the actual or perceived foregoing characteristics; and

(b) Can reasonably be predicted to:

- (1) Place the youth in reasonable fear of physical harm to his or her person or property;
- (2) Cause a substantial detrimental effect on the youth's physical or mental health;
- (3) Substantially interfere with the youth's academic performance or attendance; or
- (4) Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by a covered entity.

1502.2 (a) If a covered entity wishes to update its bullying prevention policy, it shall do so before the beginning of a school year, and provide a copy of the updated policy to OHR by August 15.

(b) Each covered entity shall review its list of Point of Contacts annually and provide an updated list of Point of Contacts to OHR by August 15 of each year.

(c) Newly authorized charter schools or newly established youth organizations that receive funding from the District must adopt a bullying prevention policy (including a Point of Contact) within three months of their opening and provide the policy to the BPP Director.

1502.3 A covered entity's bullying prevention policy shall at a minimum include the following elements:

(a) The legal definition of bullying set forth above;

(b) A statement prohibiting bullying, including cyberbullying;

(c) A statement prohibiting retaliation against a victim or witness of bullying, or a person who reports bullying;

(d) A statement that the policy applies at all of the locations listed in § 1501;

(e) A code of conduct;

(f) A list of consequences that can result from an identified incident of bullying that are designed to:

(1) Appropriately correct the behavior deemed to be bullying;

(2) Prevent future occurrences of bullying or retaliation;

(3) Ensure the safety and well-being of the person who has reportedly experienced or is reportedly at risk for future acts of bullying or retaliation; and

(4) Be flexible in application, appropriate to the individual incident, and varied in method and severity based on the:

(A) Nature of the incident;

(B) Developmental age of the person exhibiting bullying behaviors; and

(C) Any history of problem behavior of all students involved in the incident(s) and where available, history of behavioral concerns documented in an Individualized Education Program (IEP) or 504

plan as a result of a disability under the Individuals with Disabilities Education Act (IDEA), approved Dec. 3, 2004 (118 Stat. 2647; 20 U.S.C. §§ 1400 et seq.) or Section 504 of the 1973 Rehabilitation Act, approved Sept. 26, 1973 (87 Stat. 394; 29 U.S.C. § 794).

(g) A mechanism and procedures for staff, students, parents/guardians, and others to report bullying, retaliation for reporting bullying, or other violations of the bullying prevention policy that permits anonymous reporting, provided however, that no formal response shall be taken solely on the basis of anonymous reporting;

(h) A procedure for prompt investigation of reports of bullying, retaliation, or other violations of the bullying prevention policy that identifies the name and contact information for the person(s) responsible for investigating bullying and retaliation;

(i) A secondary investigation appeal process, consistent with § 1506, for a person accused of bullying or a person who is the target of bullying or retaliation who is not satisfied with the outcome of an initial investigation under § 1505; and

(j) A statement that retaliation against any person for reporting an incident of bullying is prohibited and a description of the possible consequences for a person who engages in retaliatory behavior.

1502.4 Each covered entity's bullying prevention policy shall apply at the following locations:

(a) On the covered entity's property, including buildings, fields, parking lots, and walkways;

(b) At events sponsored by the covered entity, including sponsored events held off the property of the covered entity;

(c) On any vehicle used for transportation by or on behalf of the covered entity, including transportation for sponsored events of youth; and

(d) At any transit stop at which youth wait to be transported to the covered entity or an event sponsored by the covered entity.

1502.5 Each covered entity's bullying prevention policy shall apply to cyberbullying sent from or to someone at a location listed in § 1502.4, whether or not the communications device is owned or leased by the covered entity. Cyberbullying is defined as any bullying done through electronic means which meets the definition in § 1502.1, including, but not limited to, social media, electronic mail (email), texting or tweeting.

1502.6 Bullying which occurs on-site, but involves off-site activities, is prohibited if it creates a hostile environment at the covered entity for the target or witnesses of bullying, or impedes or interferes with a youth's ability to participate at the covered entity.

4-1503. Code of Conduct.

1503.1 The code of conduct required in the bullying prevention policy (referenced in § 1502.3(e)) should provide that:

(a) The covered entity expects youth to behave in a way that supports the covered entity's objective to provide a safe and welcoming environment for other youth; and

(b) The covered entity expects youth who are part of the covered entity community to:

(1) Treat all other youth at the covered entity with respect;

(2) Respect the property of other youth at the covered entity; and

(3) Respond appropriately to instructions from covered entity staff regarding behavior toward other youth.

4-1504. Reporting Bullying or Retaliation Complaints.

1504.1 Each covered entity shall encourage youth, parents, guardians, employees, volunteers and community members to report any incidents of bullying or retaliation that they are witness to, or of which they are aware.

1504.2 Reports of bullying, retaliation, and other violations of the bullying prevention policy should be made to the Point of Contact at the covered entity, either by mail, telephone, facsimile, electronically, or through an anonymous drop box at the covered entity's site.

1504.3 If an individual is unable to report the complaint to the Point of Contact, the complaint may also be made to a member of the covered entity's management or leadership team, and those individuals shall refer the complaint to the Point of Contact for investigation. If there is some reason why the Point of Contact should not be the investigator on a particular matter, for example if there are any known or raised conflict of interests, the covered entity's management may assign another investigator.

1504.4 Employees and volunteers of covered entities shall promptly report incidents of bullying or retaliation to the entity's named Point of Contact identified in the policy when they witness incidents of bullying or retaliation, or for incidents about which they have reliable information.

1504.5 Information about reporting bullying and retaliation shall be communicated to all youth associated with the covered entity in an age-appropriate manner.

1504.6 Each covered entity shall ensure that there are reporting materials available in a wide variety of languages as required by the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §§ 2-1931 et seq.) and 4 DCMR § 1205.4.

1504.7 The person designated by a covered entity to investigate bullying, retaliation, and other violations of the bullying prevention policy (the covered entity's Point of Contact) shall create a written description of each incident of bullying, retaliation, or other violation of the bullying prevention policy that was reported to him or her and where applicable, shall include the description in the annual report that is required by § 1511.

4-1505. Investigations.

1505.1 Each covered entity shall promptly initiate an investigation into each report of bullying, retaliation, or other violation of the bullying prevention policy within two (2) business days of receiving the complaint and complete the investigation within thirty (30) days of receiving the complaint, as outlined below. If the bullying, retaliation, or other acts in violation of the bullying prevention policy involve multiple covered entities, the entities shall coordinate their investigation and response activities.

1505.2 Within two (2) business days of receiving a report of bullying, retaliation, or other violation of the bullying prevention policy, the Point of Contact shall:

- (a) Draft a written record of the complaint, which must be included in the final report outlined in § 1505.5;
- (b) Take appropriate action to protect, to the extent possible, the safety of the alleged target referenced in the report, which may include contacting relevant parties, intercepting the target or alleged perpetrator if information is received regarding a pending act of bullying or retaliation, and ascertaining the presence of teachers or other employees at a location that has been identified as the site of a pending act of bullying or retaliation;
- (c) Inform the target, alleged perpetrator, and if applicable, witnesses, of the alleged incident and of the initiation of the investigation;
- (d) Make a good-faith attempt to inform the parents or guardians of the target about the alleged incident and any planned investigation, if the target is less than eighteen (18) years of age and if the contact information for the parents or guardians is available or can be requested. If the Point of Contact

determines that informing the parents or guardians may cause harm to, or endanger the health or well-being of the target, the Point of Contact shall document facts giving rise to such determination, and document the decision not to inform in writing; and

(e) Make a good-faith attempt to inform the parents or guardians of the alleged perpetrator about the alleged incident and any planned investigation, if the alleged perpetrator is less than eighteen (18) years of age. If the Point of Contact determines that informing the parents or guardians may cause harm to, or endanger the health or well-being of, alleged perpetrator, as the case may be, the Point of Contact shall document facts giving rise to such determination, and document the decision not to inform in writing; and

(f) Take into account whether the individuals involved have disabilities and whether the behavior is a manifestation of the disability. Where available, consider whether the individuals have legally mandated protections including an Individualized Education Programs (IEP). The United States Department of Education through its Office for Civil Rights (OCR) has provided helpful information that covered entities are to follow concerning students with disabilities and bullying. One such resource is available through OCR's 2014 Dear Colleague Letter at <http://www.ed.gov/ocr/docs/disabharassltr.html>.

1505.3 The covered entity shall provide confidentiality if possible to individuals interviewed as part of the investigation, including the victim, and inform them that retaliation for reporting acts of bullying is prohibited. However, if the Point of Contact learns during the course of the investigation that the reported incident involves criminal activity, the Point of Contact shall communicate such information to the Principal or the equivalent. If the reported incident or statements during the investigation indicate credible and imminent threat of harm or criminal activity, the Point of Contact shall immediately report such information to the appropriate law enforcement authorities and to the Principal or the equivalent.

1505.4 The investigation shall be completed within thirty (30) days after receipt of a report of bullying, retaliation, or other violation of the bullying prevention policy.

1505.5 The investigator or a designee of the covered entity shall issue a written report setting forth his or her findings and recommendations within thirty (30) days after receiving a report of bullying, retaliation, or other violation of the bullying prevention policy which includes the following:

(a) A description of the incident(s) including the names of individuals involved and behaviors alleged, location of occurrence(s) and whether or not bullying occurred under the definitions set forth in the Act as outlined in § 1502.1;

(b) Whether the incident was based on a trait that is covered in the Human Rights Act (as listed in the definition of bullying in § 1502.1(a)); and

(c) The actions that were taken as a result of the findings.

1505.6 The written report shall be provided to the:

(a) Target, the parents or guardians of the target if the target is under eighteen (18) years of age, the alleged perpetrator, and the parents or guardians of the alleged perpetrator if the alleged perpetrator is under eighteen (18) years of age.

(b) The requirement in paragraph (a) of this subsection to send the written report to the parents or guardians shall not apply if the contact information for parents or guardians is not available after making good-faith attempt to obtain such information, or if the Point of Contact determines that sending the report may cause harm to, or endanger the health or well-being of, the target or alleged perpetrator, as the case may be, but the reasons for the determination not to send the report must be documented in writing.

4-1506. Secondary Investigation Appeals.

1506.1 Each covered entity shall have an appeals process in place for conducting a secondary investigation where a written request for a secondary investigation is submitted within thirty (30) days after the conclusion of the initial investigation.

1506.2 The secondary investigation shall be conducted by an employee who has a higher level of authority at the covered entity than the one who conducted the investigation and who was not involved in the initial investigation.

1506.3 The secondary investigation shall be completed within thirty (30) days after receipt of the request for a secondary investigation unless the higher-level authority requires additional time to complete a thorough investigation and the higher-level authority sets forth those circumstances in writing. Under those circumstances, the deadline may be extended past the thirty (30) day period by fifteen (15) days.

1506.4 After completing the secondary investigation, the higher-level authority shall notify the parties in writing of the results of the investigation and of the party's ability to seek additional redress under the DCHRA under D.C. Official Code § 2-1402.41. Such notification must be in writing and include:

- (a) The name of the BPP Director;
- (b) The address and telephone number of the OHR;
- (c) The text contained in § 1513 of these regulations outlining the parties' options for appeal through OHR; and
- (d) Notification that complaints of violations under DCHRA and the Act must be filed within one (1) year of the incident.

4-1507. Dissemination of bullying prevention policy.

1507.1 Each covered entity shall develop and implement a plan to publicize its Bullying Prevention Policy that shall include actions to:

- (a) Discuss its bullying prevention policy with youth;
- (b) Publicize the fact that the policy also applies to functions sponsored by the covered entity; and
- (c) Publish the written Bullying Prevention Policy and make copies of the Bullying Prevention Policy available to all youth, families and staff by including it in the entity's handbook and on its website.

4-1508. Annual review and updating of bullying prevention policy.

1508.1 Each covered entity shall submit an update confirming the identity of its Point of Contact and any substantial revisions in its bullying prevention policy, to the BPP Director by August 15 of each year.

1508.2 The BPP Director will review any new policies or policies with substantial edits within thirty (30) days and provide feedback to ensure full compliance including any recommendations for improvement of the policy.

4-1509. Bullying Prevention Programs.

1509.1 Each covered entity is encouraged to:

- (a) Establish an ongoing bullying prevention program for youth such that the program is aligned with established health-education standards;
- (b) Inform youth about their right to be free from discrimination in public accommodations and education and of the redress available for a violation of their rights under the Human Rights Act; and
- (c) Provide training on bullying prevention to all volunteers who have significant contact with youth.

4-1510. Training requirements.

1510.1 Except as provided in § 1510.2, each covered entity shall provide bullying prevention training to all of its employees on an annual basis using the following:

- (a) OHR training material for a three (3) hour session provided by the BPP Director; or
- (b) Alternative training that is comparable in scope and content.

1510.2 Each covered entity need only provide a thirty (30) minute general bullying prevention training to employees with no direct contact with youth. This training shall cover the general procedures for responding to a report of bullying and contact information for the designated Point of Contact, or similar personnel. Upon request, OHR will provide content guidance for such training.

1510.3 Each covered entity shall incorporate information on its bullying prevention policy into new employee training.

1510.4 Each covered entity shall provide written documentation of the training provided, to the BPP Director, including the date, time and summary of the content of annual training, along with the names and biographical information of the trainer by August 15 of each year.

4-1511. Educational Institutions Reporting Requirements.

1511.1 Each educational institution shall report to OHR by August 15 of each year the following information:

- (a) The aggregate number of incidents of bullying, retaliation, and other violations of the bullying prevention policy at the educational institution during the prior school year (including the prior summer term);
- (b) A brief description of each such incident (as required by § 1505.5); and
- (c) The results of the investigation of the incident.

1511.2 The annual report of each educational institution shall also include any other information that OHR deems necessary or appropriate and requests from the educational institution.

4-1512. OHR roles and responsibilities.

1512.1 The BPP Director shall assist covered entities with developing bullying prevention policies and programs.

1512.2 The BPP Director shall compile and make available to each covered entity a list of free or low-cost methods for establishing the bullying prevention programs.

1512.3 The BPP Director shall conduct training for covered entities on bullying and techniques for investigating allegations of bullying on a periodic basis when requested.

1512.4 When contacted by parents or guardians of youth in covered entities, the BPP Director will contact the school, agency, or grantee to ensure that the bullying prevention policy is compliant and has been fully implemented with regard to reporting, investigating, and addressing alleged incidents. This approach will provide an immediate response to parents and guardians as well as provide support and guidance for all parties (families and school or agencies) to ensure that appropriate steps are taken to address the situation.

4-1513. Complaint procedures at the office of human rights under the youth bullying prevention act and the D.C. human rights act.

1513.1 There are both formal and informal ways to initiate actions with OHR and individuals are encouraged to first use the informal option of working with the BPP Director as outlined in § 1513.2(a) before bringing formal complaints as outlined in § 1513.2 and § 1513.10. OHR will make efforts to investigate related matters jointly as to avoid duplication of efforts for the parties and the agency.

1513.2 Complaints under the Act may be pursued as follows:

- (a) Youth or other individuals may call or contact the BPP Director with informal complaints under the Act, which may result in incident specific or broader program changes at covered entities; and
- (b) An individual, who is eighteen (18) years or older, or who is younger but acting through a parent or advocate, may file a formal complaint with OHR alleging a violation of the Act within one (1) year after the alleged violation occurred.

1513.3 A complaint to OHR under the Act may include, but is not limited to, allegations regarding:

- (a) The adequacy of an investigation of bullying, retaliation, or another violation of a bullying prevention policy;
- (b) The failure to initiate an investigation or an unreasonable delay in the processing of a report of bullying, retaliation, or another violation of a bullying prevention policy; or
- (c) Any other failures by the covered entity to follow the requirements of the Act such as an entity maintaining a policy that is not in compliance with this Act.

1513.4 The complaint shall state the name and address of the covered entity (called the Respondent), the name and title (if known) of the person alleged to have committed the violation, a detailed description of the incident(s) or substance of the complaint and alleged violation, and such other information as may be required by OHR.

1513.5 OHR shall conduct an investigation of the complaint to determine if there was a violation of the Act with a target completion date for the Determination within ninety (90) days after a complaint is filed with OHR.

1513.6 OHR shall report the results of its investigation to the complainant and covered entity and if necessary, provide recommendations to the covered entities.

1513.7 Within sixty (60) days of the issuance date of the Determination, the Respondent must meet with the BPP Director and where appropriate, OHR General Counsel, to discuss the findings and corrective actions, if needed.

1513.8 A full set of corrective actions must be agreed upon by all parties within ninety (90) days of the Determination.

1513.9 If Respondent fails to comply with these timelines or corrective actions within the agreed upon timeframe, OHR shall inform the Deputy Mayor for Education or an appropriate official in the Mayor's Office in writing by submitting a copy of the Determination and a summary of Respondent's failure to resolve the matter.

1513.10 Complaints filed under the DCHRA, D.C. Official Code §§ 2-1401.01 et seq., may be filed as follows:

- (a) If the facts include allegations of discrimination at an educational institution or public accommodation as covered by the DCHRA, an individual, who is eighteen (18) years or older, the parent, or an advocate of youth, may file a complaint with OHR within one (1) year of the alleged discriminatory acts; and
- (b) A complaint under the DCHRA could result in a probable cause finding, conciliation efforts and a Commission hearing.
- (c) Pursuant to D.C. Official Code § 2-1403.16, an individual may also file DCHRA claims in D.C. Superior Court instead of at the OHR.

4-1599. Definitions.

1599.1 As used in this chapter, the follow words and phrase shall have the following meanings:

Employee - an individual who receives compensation for performing a function for a covered entity;

Point of Contact - the designated individual at each entity responsible for receiving reports of bullying incidents, investigating complaints of bullying, and attempting to resolve matters. Each entity must list a Point of Contact in the Bullying Prevention Policy and update the contact information annually with the BPP Director;

Retaliation - to coerce a person, or attempt to coerce a person, to not report an act of bullying; to threaten to harm a person or otherwise subject the person to an adverse action because the person has reported or may report bullying; or to interfere with a person's right or obligation to report an act of bullying under the Act;

Youth - (a) an individual of twenty-one (21) years of age or less who is enrolled in an educational institution or who uses the services or programs provided by an agency or grantee, or an individual of twenty-two (22) years of age or less who is receiving special education services from an educational institution; or (b) individuals as described in paragraph (a) of this definition considered as a group.

5-B2405. Student grievance procedure.

2405.2 The grievance procedure set forth in this section shall also apply to all grievances or complaints brought in the following instances:

(e) Where a student is a victim of bullying or harassment, including sexual harassment [...]

2405.4 An individual bringing a grievance about an issue set forth in §§ B 2405.1 or B 2405.2 shall follow the procedures contained in this section. An individual who is a victim of bullying or harassment, including sexual harassment, may follow these procedures or the procedures in § B 2405.5. A grievance may be filed by a parent or guardian on behalf of a student, as consistent with § B 2401.15 of this chapter.

(f) All complaints should include the following information, to the extent that is known by the grievant:

(3) The type of bullying or harassment that was involved in the incident;

(4) The identity of the person(s) who committed the alleged acts of harassment. [...]

2405.5 A grievant who is a victim of bullying or harassment, including sexual harassment, by an employee, students, or third parties may, at his or her option, choose to follow this procedure to resolve his or her complaint:

(a) An individual who is a victim of bullying or harassment may complain orally or in writing to any teacher, administrator, or counselor.

(b) If the grievant files his or her complaint orally, the teacher, administrator, or counselor shall prepare a written report of the conversation with the grievant. If the grievant complains in writing, it may be in any form. All complaints should include the following information, to the extent that is known by the grievant:

(3) The type of bullying or harassment that was involved in the incident;

(4) The identity of the person(s) who committed the alleged acts of harassment; [...]

(d) The complaint shall be reported to the principal no later than the end of the next school day following the report of the complaint. The teacher, administrator, or counselor shall report complaints of severe or pervasive bullying or harassment no later than the end of the school day that the report of the complaint was made.

(e) If any principal, administrator or other school employee responsible for overseeing or investigating bullying or harassment complaints are implicated in the complaint, or have any actual or perceived conflict of interest, the complaint will be filed with the Instructional Superintendent with jurisdiction over the school the student attends or at which the grievance arose for action.

(f) The principal is responsible for ensuring that all complaints are properly investigated and processed in accordance with these procedures, but may delegate responsibility for processing bullying and harassment complaints. The principal or designee shall take the following actions:

(2) Within ten (10) school days - the principal or designee shall complete his or her investigation and prepare a written report that includes a finding as to whether the allegations of bullying or harassment are substantiated; the parties should be notified if the investigation will take longer, including the reasons for the delay and the anticipated time frame. The investigation shall include, but not be limited to, the following matters: 1) interview with the grievant; 2) interview with the alleged victim (if not the grievant); 3) interviews with the subject(s) alleged to have committed the harassment or bullying; 4) interviews with employees and others (including students) who have knowledge of the facts alleged in the complaint (including those identified by the student who filed the complaint); and 5) review of all pertinent records (including those identified by the grievant). The report shall reflect the results of the investigation and shall be provided to all parties to the complaint. The report shall include a description of any follow up actions taken or to be taken, including any intervention or disciplinary actions (to the extent permitted by the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 C.F.R. §§ 99.1 et seq.)).

5-B2502. Grounds for disciplinary action.

2502.3 Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

(a) The following behaviors shall be considered Tier III behaviors:

(20) Hazing;

(21) Bullying, or using humiliating, or intimidating language or behavior, including Internet Bullying.
[...]

2502.4 Tier IV behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the school operation, destroy school property, or cause significant harm to self or others. Tier IV behaviors result in off-site Suspension.

(a) The following behaviors shall be considered Tier IV behaviors:

(5) Persistent Harassment based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business.

5-B2599. Definitions.

2599.1 Unless the same term or phrase is defined in § 2599.2, the definitions set forth in § 2099 are incorporated in this chapter by reference and shall apply to the terms and phrases used in this chapter.

2599.2 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

"Bullying" - repeated intentional behavior that occurs in order to intentionally harm others through verbal or non verbal Harassment, physical Assault, or other more subtle methods of coercion. Such behavior may include, but is not limited to, manipulation, teasing, taunting, threatening, hitting, stealing, destroying personal property, sending threatening/abusive emails, text messages, or other electronic communications. [...]

"Hazing" - actions taken against a person for the purpose of being initiated into a group that endangers the mental or physical health, well being or safety of a student, and results in humiliation, embarrassment, ridicule, intimidation or shame.

"Harassment" - verbal or physical conduct or communication relating to an individual's actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business, in a manner that denies or limits a student's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive environment for students, employees, or others in the school environment, or interferes with employees' performance of their job duties or the effective performance of the school-related functions of others. Harassment also includes written or verbal communications that are electronically transmitted with the intention of creating or causing the same harm described above.

5-E405. Grievance procedures for parents, guardians, and visitors.

405.3 The grievance procedure set forth in this section shall also apply to all grievances or complaints brought in the following instances:

(c) Where an individual is a victim of bullying or harassment, including sexual harassment [...]

405.5 An individual bringing a grievance about an issue set forth in § E-405.1 or § E-405.3 of this section shall follow the procedures contained in this section. A grievance may be filed on behalf of another individual by attorney or an authorized representative.

(f) All complaints should include the following information, to the extent that is known by the grievant:

(4) The type of bullying or harassment that was involved in the incident;

(5) The identity of the person(s) who committed the alleged acts of harassment.

Dating and Relationship Violence

LAWS

§ 38-952.01. Definitions.

For the purposes of this chapter, the term:

(1) "Dating partner" means any person who is involved in a relationship with another person that is primarily characterized by social interaction of a sexual, romantic, or intimate nature, whether casual, serious, or long-term.

(2) "Dating violence" means abusive or coercive behavior where a dating partner uses threats of, or actually uses, physical, emotional, economic, technological, or sexual abuse to exert power or control over a current or former dating partner.

§ 38-952.02. Policy to prevent and address student-on-student acts of sexual harassment, sexual assault, and dating violence.

(a) Beginning in the 2019-2020 school year, schools shall adopt and implement a policy to prevent and address student-on-student acts of sexual harassment, sexual assault, and dating violence. The policy shall include:

(1) A statement prohibiting student-on-student acts of sexual harassment, sexual assault, and dating violence, including an acknowledgment that schools that know or reasonably should know of student-on-student acts of sexual harassment, sexual assault, and dating violence shall take immediate and appropriate action to investigate whether such acts occurred;

(2) Protocols for the school's response to allegations of student-on-student acts of sexual harassment, sexual assault, and dating violence, including procedures to:

- (A) Interrupt or stop each specific act of student-on-student sexual harassment, sexual assault, or dating violence, prevent its recurrence, and address its effects, whether or not the incident is the subject of a criminal investigation;
 - (B) Refer complainants to services and advocacy organizations;
 - (C) Provide information to complainants regarding the investigatory process;
 - (D) Institute and resolve disciplinary action; and
 - (E) Protect the confidentiality of complainants in accordance with the Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, dated January 19, 2001, as issued by the Department of Education;
- (3) The school's plan to effectuate its obligations, and inform students of their rights, under Title IX of the Education Amendments of 1972, approved June 23, 1972 (86 Stat. 373; 20 U.S.C. §§ 1681 et seq.) ("Title IX"), the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act of 2004, approved October 30, 2004 (118 Stat. 2260; 18 U.S.C. § 3771), Unit A of Chapter 14 of Title 2, and Chapter 19 of Title 23 of the District of Columbia Official Code, including mechanisms to:
- (A) Protect the safety of complainants as necessary during the investigation of student-on-student acts of sexual harassment, sexual assault, or dating violence; and
 - (B) Develop and implement a prompt, fair, and impartial procedure for students to file complaints regarding student-on-student acts of sexual harassment, sexual assault, or dating violence, that:
 - (i) Is conducted by school officials or agents who, at a minimum, receive annual training on:
 - (I) Issues related to student-on-student acts of sexual harassment, sexual assault, or dating violence; and
 - (II) How to conduct an investigation that protects the safety of complainants and promotes accountability;
 - (ii) Provides the complainant and the accused with the same opportunities to have others present during any school disciplinary proceeding, including the opportunity to be accompanied to any proceeding by an advisor or advocate of their choice; provided, that the school may establish restrictions regarding the extent to which an advisor or advocate may participate in the proceeding, as long as the restrictions apply equally to both parties;
 - (iii) Establishes a standard for resolving complaints; and
 - (iv) Requires contemporaneous notification, in writing, to both the complainant and the accused, of:
 - (I) The result of any school disciplinary proceeding that arises from an allegation of a student-on-student act of sexual harassment, sexual assault, or dating violence;
 - (II) The school's procedures for the complainant and the accused to appeal the result of the institutional disciplinary proceeding, if such procedures are available;
 - (III) Any change to the result; and
 - (IV) When such results become final;
- (4) Protocol to identify appropriate counseling and intervention strategies for students alleged to have committed student-on-student acts of sexual harassment, sexual assault, or dating violence, including guidelines for reporting such incidents to the Child and Family Services Agency if the student's behavior indicates that he or she may be the victim of child sexual abuse or child abuse;
- (5) Guidance concerning the applicability of the policy to student-on-student acts of sexual harassment, sexual assault, and dating violence that occur at school, school events and activities, over social media, and during travel to and from school, school events, and activities; and

(6) A list of appropriate resources, services, and information for students and families affected by student-on-student acts of sexual harassment, sexual assault, or dating violence, including school-based supports.

(b) Beginning in the 2020-2021 school year, schools shall provide:

(1) Training for staff, at the time of hiring and at a minimum every 2 years thereafter, utilizing evidence based standards and developed in consultation with community-based sexual violence or abuse experts, on:

(A) Identifying, responding to, and reporting student-on-student acts of sexual harassment, sexual assault, or dating violence, including any mandatory reporting requirements under District or federal law which may be triggered by such incidents;

(B) Communicating universal prevention techniques to students that increase their ability to set and communicate about appropriate boundaries, respect boundaries set by others, and build safe and positive relationships; and

(C) Receiving reports and disclosures from students regarding student-on-student acts of sexual harassment, sexual assault, or dating violence in a supportive, appropriate, and trauma-informed manner; and

(2) Information for parents on recognizing the warning signs of student-on-student acts of sexual harassment, sexual assault, and dating violence, as well as effective, age-appropriate methods for discussing such topics with students.

(c) Schools shall provide the policy described in subsection (a) of this section to staff, parents, and, in a developmentally appropriate manner, students, and shall make the policy publicly available, including on the school's website.

(d) The Office of the State Superintendent for Education, in consultation with schools, direct service providers, mental health professionals, governmental and community-based sexual harassment, sexual assault, and dating violence experts, community partners, parents, and students, shall:

(1) Develop, maintain, and make available to schools a model policy on preventing and addressing student-on-student acts of sexual harassment, sexual assault, and dating violence that may be utilized to satisfy the requirements of subsection (a) of this section;

(2) Develop, maintain, and make available to schools a list of training resources, including community organizations, that may be utilized by schools to inform their development of the policy required pursuant to subsection (a) of this subsection; and

(3) Make training and other resources required by this section available.

REGULATIONS

No relevant regulations found.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

§ 2-1535.02. Bullying prevention task force.

(a) Within 90 days of September 14, 2012, the Mayor shall establish a bullying prevention task force.

(b)(1) The task force shall consist of representatives from a diversity of the educational institutions and agencies that will be affected by this subchapter, as well as community representatives, including:

- (A) Teachers;
- (B) Administrators from educational institutions and agencies;
- (C) School mental health professionals;
- (D) Parents, and legal guardians;
- (E) Youth;
- (F) Direct service providers; and
- (G) Advocates.

(2) In constituting this task force, the Mayor shall consider geographic and socioeconomic diversity as well as other forms of diversity.

(c) The task force shall:

- (1) Provide guidance to the Mayor on the implementation of this subchapter;
- (2) Within 180 days of September 14, 2012, publicize a model policy, which shall contain each of the components required in § 2-1535.03(b);
- (3) Assist educational institutions and agencies with developing policies in accordance with § 2-1535.03;
- (4) Compile, and make available to each agency, educational institution, and grantee, a list of free or low-cost methods for establishing the bullying prevention programs authorized in § 2-1535.06;
- (5) Within 180 days of receipt of the bullying prevention policies submitted pursuant to § 2-1535.03(c), review each adopted policy for compliance with the requirements of § 2-1535.03(b);
- (5A) Appropriately engage parents and legal guardians of youth served by each agency in bullying prevention efforts;
- (5B) Provide to each agency and parents or legal guardians a referral list of community-based programs or similar resources that mitigate bullying and address identified behavioral health needs as necessary;
- (5C) Provide consultation and review evidence-based school climate data to ensure full implementation of the law; and
- (6) Promulgate guidelines to assist the Mayor in evaluating the effectiveness of the bullying prevention policies that have been established.

(d) The task force shall disband by August 2018; provided, that at the discretion of the Mayor, a one-year extension may be granted by the Mayor.

§ 38-236.06. Support for positive school climate and trauma-informed educational settings.

(a) The Office of the State Superintendent of Education shall provide an array of supports to assist local education agencies and schools to achieve the goals of §§ 38-236.03 through 38-236.05 and to adopt

trauma-informed disciplinary practices. The OSSE shall provide local education agencies and schools with, among other supports, the following:

- (1) Guidance and materials that inform local education agencies and school communities about developments in the fields of school climates and behavioral management;
 - (2) Regular, high-quality professional development opportunities and technical assistance, and recommendations for further instruction outside of these opportunities, for local education agency and school personnel on:
 - (A) Trauma and chronic stress, their effects on students and learning, and effective responses;
 - (B) Classroom management, positive behavioral interventions, and fostering positive school climate;
 - (C) Disciplinary approaches that utilize instruction and correction;
 - (D) Restorative practices and other evidence-based or promising behavioral interventions;
 - (E) Implementation of high-quality functional behavior assessments, behavioral intervention plans, and manifestation determination reviews, as those terms are used in the Individuals with Disabilities Education Act, approved December 3, 2004 (118 Stat. 2745; 20 U.S.C. § 1400 et seq.); and
 - (F) Implicit bias and culturally responsive corrective action techniques;
 - (3) Opportunities for local education agencies and schools to share promising practices regarding the topics in paragraph (2) of this subsection; and
 - (4) Technical assistance and supportive services to assist local education agencies and schools, as needed and in accordance with policies OSSE adopts, in reducing the use of exclusion by addressing the causes of student misconduct and the development and revision of disciplinary plans.
- (b) The OSSE shall collaborate with other government agencies, local education agencies and schools, and postsecondary educational institutions to facilitate the provision of postsecondary degree or certificate programs covering the topics described in subsection (a)(2) of this section, including the identification or creation of a trauma-informed educator certificate program.
- (c) For the purpose of providing local education agencies and schools the services set forth in subsection (a) of this section, the OSSE may:
- (1) Award a contract or grant to one or more nonprofit organizations;
 - (2) Award contracts or competitive or formula grants to local education agencies, schools, or partnerships developed among schools or with nonprofit organizations;
 - (3) Establish a memorandum of understanding with the Department of Behavioral Health or other District agency; or
 - (4) Any combination of paragraphs (1) through (3) of this subsection.
- (c-1) Beginning October 1, 2019, and consistent with the recommendations in the Report of the Task Force on School Mental Health submitted March 26, 2018, the Department of Behavioral Health shall provide local education agencies and schools with non-instructional personnel who have specialized expertise in behavioral health and trauma-informed educational settings to provide local education agencies and schools with broader mental health services, including reducing the use of exclusion by addressing the causes of student misconduct and being available for consultation regarding the development and revision of disciplinary plans.
- (d) Within 2 years after August 29, 2018, and every 5 years thereafter, the OSSE shall submit to the Mayor and the Council an evaluative report on local education agency and school implementation of practices to promote school safety and reduce the use of exclusion, which shall:
- (1) Be based upon rigorous research techniques, including quantitative and qualitative methods;

(2) Draw on the information maintained and reported pursuant to § 38-236.09, as well as other sources, with a particular focus on:

(A) Ensuring the fidelity of data reporting;

(B) Unanticipated consequences of the disciplinary policies and practices adopted pursuant to this part;

(C) Barriers schools face in implementing the policies and practices required pursuant to this part; and

(D) Effective approaches utilized by schools to avoid reliance on exclusion and reduce disparities in its use;

(3) Provide specific recommendations for further action by the Council, executive branch, and schools; and

(4) Provide suggestions for further research.

§ 38-2602. Responsibilities.

(b) The OSSE shall:

(26)(A) Develop and publish online written guidance to assist LEAs in developing and adopting policies and procedures for handling aspects of student mental and behavioral health. The written guidance shall include model policies for identifying, appropriately supporting, and referring to behavioral health service providers students with mental and behavioral health concerns, and model policies for suicide prevention, suicide intervention, and suicide postvention, especially for at-risk youth sub-groups.

(B) OSSE shall examine its guidance on mental and behavioral health in schools at least every 5 years and update its guidance as needed. Within 30 days of updating its guidance, OSSE shall notify LEAs of the update.

REGULATIONS

4-1512. OHR roles and responsibilities.

1512.1 The BPP Director shall assist covered entities with developing bullying prevention policies and programs.

1512.2 The BPP Director shall compile and make available to each covered entity a list of free or low-cost methods for establishing the bullying prevention programs.

Multi-tiered Frameworks and Systems of Support

LAWS

§ 38-236.06. Support for positive school climate and trauma-informed educational settings.

(a) The Office of the State Superintendent of Education shall provide an array of supports to assist local education agencies and schools to achieve the goals of §§ 38-236.03 through 38-236.05 and to adopt trauma-informed disciplinary practices. The OSSE shall provide local education agencies and schools with, among other supports, the following:

(1) Guidance and materials that inform local education agencies and school communities about developments in the fields of school climates and behavioral management;

(2) Regular, high-quality professional development opportunities and technical assistance, and recommendations for further instruction outside of these opportunities, for local education agency and school personnel on:

(B) Classroom management, positive behavioral interventions, and fostering positive school climate.

REGULATIONS

5-B2500. General policy.

2500.1 It is the policy of D.C. Public Schools (DCPS) that a safe environment conducive to learning shall be maintained. To build and maintain this environment, DCPS shall provide students, families, and staff with clear expectations and rules for appropriate school behavior. These rules must balance the responsibilities and rights of individuals and the responsibilities and rights of the school community. These rules must reflect the individual's responsibility for contributing to a safe environment conducive to learning and the need for mutual respect and cooperation among all segments of the school community.

2500.2 DCPS is committed to helping students learn the expectations and rules for appropriate school behavior and the range of disciplinary responses for inappropriate or disruptive behavior. DCPS will recognize and encourage students who exhibit appropriate, non-disruptive behavior. DCPS will encourage prevention and intervention strategies to prevent inappropriate behavior. To that end all available resources, subject to budgetary limitations, shall be utilized, including preventive and responsive interventions that support students' needs.

2500.3 When a student's behavior disrupts the school community's safe learning environment, DCPS will use a range of disciplinary responses intended to change and manage inappropriate behavior. In administering disciplinary responses, DCPS will work with students to correct inappropriate behavior. Students will be enabled and encouraged to reflect on their actions, to learn from mistakes, and to restore any relationships that have been negatively impacted.

2500.4 Whenever possible, prevention, intervention, and remediation strategies shall be used in addition to disciplinary responses at all stages of the disciplinary process, including students transitioning from Suspension or Expulsion.

2500.5 DCPS shall involve family members in efforts to determine the causes of misbehavior and in efforts to support appropriate school behavior.

2500.6 Options for prevention, intervention, and remediation shall include, but not be limited to:

(s) Positive behavior supports.

Prevention

LAWS

§ 2-1595. Duties.

(b)(1) All programs shall be evidence-based, age-appropriate, and implemented to serve children and their families and shall include:

(B) School-based violence and substance abuse prevention.

§ 38-236.06. Support for positive school climate and trauma-informed educational settings.

(a) The Office of the State Superintendent of Education shall provide an array of supports to assist local education agencies and schools to achieve the goals of §§ 38-236.03 through 38-236.05 and to adopt trauma-informed disciplinary practices. The OSSE shall provide local education agencies and schools with, among other supports, the following:

(1) Guidance and materials that inform local education agencies and school communities about developments in the fields of school climates and behavioral management;

(2) Regular, high-quality professional development opportunities and technical assistance, and recommendations for further instruction outside of these opportunities, for local education agency and school personnel on:

- (A) Trauma and chronic stress, their effects on students and learning, and effective responses;
- (B) Classroom management, positive behavioral interventions, and fostering positive school climate;
- (C) Disciplinary approaches that utilize instruction and correction;
- (D) Restorative practices and other evidence-based or promising behavioral interventions;
- (E) Implementation of high-quality functional behavior assessments, behavioral intervention plans, and manifestation determination reviews, as those terms are used in the Individuals with Disabilities Education Act, approved December 3, 2004 (118 Stat. 2745; 20 U.S.C. § 1400 et seq.); and
- (F) Implicit bias and culturally responsive corrective action techniques;

(3) Opportunities for local education agencies and schools to share promising practices regarding the topics in paragraph (2) of this subsection; and

(4) Technical assistance and supportive services to assist local education agencies and schools, as needed and in accordance with policies OSSE adopts, in reducing the use of exclusion by addressing the causes of student misconduct and the development and revision of disciplinary plans.

(b) The OSSE shall collaborate with other government agencies, local education agencies and schools, and postsecondary educational institutions to facilitate the provision of postsecondary degree or certificate programs covering the topics described in subsection (a)(2) of this section, including the identification or creation of a trauma-informed educator certificate program.

(c) For the purpose of providing local education agencies and schools the services set forth in subsection (a) of this section, the OSSE may:

- (1) Award a contract or grant to one or more nonprofit organizations;
- (2) Award contracts or competitive or formula grants to local education agencies, schools, or partnerships developed among schools or with nonprofit organizations;
- (3) Establish a memorandum of understanding with the Department of Behavioral Health or other District agency; or
- (4) Any combination of paragraphs (1) through (3) of this subsection.

(c-1) Beginning October 1, 2019, and consistent with the recommendations in the Report of the Task Force on School Mental Health submitted March 26, 2018, the Department of Behavioral Health shall provide local education agencies and schools with non-instructional personnel who have specialized expertise in behavioral health and trauma-informed educational settings to provide local education agencies and schools with broader mental health services, including reducing the use of exclusion by addressing the causes of student misconduct and being available for consultation regarding the development and revision of disciplinary plans.

(d) Within 2 years after August 29, 2018, and every 5 years thereafter, the OSSE shall submit to the Mayor and the Council an evaluative report on local education agency and school implementation of practices to promote school safety and reduce the use of exclusion, which shall:

- (1) Be based upon rigorous research techniques, including quantitative and qualitative methods;
- (2) Draw on the information maintained and reported pursuant to § 38-236.09, as well as other sources, with a particular focus on:
 - (A) Ensuring the fidelity of data reporting;
 - (B) Unanticipated consequences of the disciplinary policies and practices adopted pursuant to this part;

(C) Barriers schools face in implementing the policies and practices required pursuant to this part;
and

(D) Effective approaches utilized by schools to avoid reliance on exclusion and reduce disparities in its use;

(3) Provide specific recommendations for further action by the Council, executive branch, and schools;
and

(4) Provide suggestions for further research.

§ 38-827.01. Establishment of the Healthy Youth and Schools Commission.

(a) There is established the Healthy Youth and Schools Commission with the purpose of advising the Mayor and the Council on health, wellness, and nutritional issues concerning youth and schools in the District, including:

(11) Violence prevention.

REGULATIONS

5-B2500. General policy.

2500.2 DCPS is committed to helping students learn the expectations and rules for appropriate school behavior and the range of disciplinary responses for inappropriate or disruptive behavior. DCPS will recognize and encourage students who exhibit appropriate, non-disruptive behavior. DCPS will encourage prevention and intervention strategies to prevent inappropriate behavior. To that end all available resources, subject to budgetary limitations, shall be utilized, including preventive and responsive interventions that support students' needs. [...]

2500.4 Whenever possible, prevention, intervention, and remediation strategies shall be used in addition to disciplinary responses at all stages of the disciplinary process, including students transitioning from Suspension or Expulsion. [...]

2500.6 Options for prevention, intervention, and remediation shall include, but not be limited to:

- (a) Anger management;
- (b) Attendance intervention plans;
- (c) Behavior intervention plan;
- (d) Behavior log/behavior progress report;
- (e) Behavior redirection;
- (f) Community conference;
- (g) Community service;
- (h) Conflict resolution;
- (i) Crime awareness/prevention programs;
- (j) Diverse instructional strategies;
- (k) In-school program restructuring (schedule change);
- (l) Individual or group counseling;
- (m) Intervention by guidance counselor or mental health professional;
- (n) Mediation, including teacher/student mediation and multi-party dispute resolution;
- (o) Mentoring;
- (p) Parent conference;
- (q) Parent observation of student;

- (r) Positive feedback for appropriate behavior;
- (s) Positive behavior supports
- (t) Problem solving conferences;
- (u) Referral to community based organizations;
- (v) Referral to substance abuse counseling service;
- (w) Rehabilitative programs;
- (x) Restitution;
- (y) Restorative justice strategies;
- (z) Social skills instruction;
 - (aa) Student support team meeting; and
 - (bb) Other appropriate intervention strategies.

Social-emotional Learning (SEL)

LAWS

§ 2-1517.32. Early childhood and school-based behavioral health comprehensive plan.

(a) By March 30, 2013, the Mayor shall submit a comprehensive plan to the Council for the expansion of early childhood and school-based behavioral health programs and services by the 2016-2017 school year. At minimum, the plan shall:

- (1) Establish a strategy to enhance behavioral health services in all public schools and public charter schools, including:
 - (A) The implementation of programs that:
 - (iii) Promote social and emotional competency in students.

§ 2-1595. Duties.

(b)(1) All programs shall be evidence-based, age-appropriate, and implemented to serve children and their families and shall include:

- (C) Social and emotional learning assistance.

REGULATIONS

No relevant regulations found.

Trauma-informed Practices

LAWS

§ 38-236.06. Support for positive school climate and trauma-informed educational settings.

(a) The Office of the State Superintendent of Education shall provide an array of supports to assist local education agencies and schools to achieve the goals of §§ 38-236.03 through 38-236.05 and to adopt trauma-informed disciplinary practices. The OSSE shall provide local education agencies and schools with, among other supports, the following:

- (1) Guidance and materials that inform local education agencies and school communities about developments in the fields of school climates and behavioral management;

(2) Regular, high-quality professional development opportunities and technical assistance, and recommendations for further instruction outside of these opportunities, for local education agency and school personnel on:

(A) Trauma and chronic stress, their effects on students and learning, and effective responses; [...]

(b) The OSSE shall collaborate with other government agencies, local education agencies and schools, and postsecondary educational institutions to facilitate the provision of postsecondary degree or certificate programs covering the topics described in subsection (a)(2) of this section, including the identification or creation of a trauma-informed educator certificate program. [...]

(c-1) Beginning October 1, 2019, and consistent with the recommendations in the Report of the Task Force on School Mental Health submitted March 26, 2018, the Department of Behavioral Health shall provide local education agencies and schools with non-instructional personnel who have specialized expertise in behavioral health and trauma-informed educational settings to provide local education agencies and schools with broader mental health services, including reducing the use of exclusion by addressing the causes of student misconduct and being available for consultation regarding the development and revision of disciplinary plans.

REGULATIONS

No relevant regulations found.

Mental Health Literacy Training

LAWS

§ 7-1131.17. Youth behavioral health program.

(a) As of October 1, 2012, there is established within the Department, and shall be made available to all child development facilities, public schools, and public charter schools, a program that, at a minimum, provides participants with the tools needed to:

- (1) Identify students who may have unmet behavioral health needs;
- (2) Refer identified students to appropriate services for behavioral health screenings and behavioral health assessments;
- (3) Recognize the warning signs and risk factors for youth suicide and implement best practices for suicide prevention, suicide intervention, and suicide postvention.

(b)(1) Starting October 1, 2016, completion of the program shall be mandatory once every 2 years for all:

- (A) Teachers in public schools and public charter schools;
- (B) Principals in public schools and public charter schools; and
- (C) Staff employed by child development facilities, who are subject to training or continuing education requirements pursuant to licensing regulations.

(2) In addition to the individuals described in paragraph (1) of this subsection, the Mayor may determine through rulemaking other individuals who shall be required to complete the program.

(3) The Department may make the program available to other interested individuals.

(c) The Department shall keep a record of all participants who complete the program and shall provide the participants with written proof of completion.

(d) If so approved by the Office of the State Superintendent for Education, the program may count towards professional development credits.

(e) For the purposes of this section, the term:

- (1) "Suicide intervention" means specific actions schools can take in response to student suicidal behavior, including:
- (A) Student supervision;
 - (B) Notification of parents or guardians;
 - (C) Crisis-response protocols;
 - (D) When and how to request an immediate mental health assessment or emergency services; and
 - (E) School re-entry procedures following a student mental health crisis.
- (2) "Suicide postvention" means planned support and interventions schools can implement after a suicide attempt or suicide death of a member of the school community that are designed to:
- (A) Reduce the risk of suicide contagion;
 - (B) Provide support for affected students and school-based personnel;
 - (C) Address the social stigma associated with suicide; and
 - (D) Disseminate factual information about suicide.
- (3) "Suicide prevention" means specific actions schools can take to recognize and reduce suicidal behavior, including:
- (A) Identifying risk and protective factors for suicide and suicide warning signs;
 - (B) Establishing a process by which students are referred to a behavioral health provider for help;
 - (C) Making available school-based and community-based mental health supports;
 - (D) Providing the location of available online and community suicide prevention resources, including local crisis centers and hotlines; and
 - (E) Adopting policies and protocols regarding suicide prevention, intervention, and postvention, school safety, and crisis response.

REGULATIONS

No relevant regulations found.

School-based Behavioral Health Programs

LAWS

§ 2-1517.31. Definitions.

For the purposes of this part, the term:

- (1) "Behavioral health" means a person's overall social, emotional, and psychological well-being and development.

§ 2-1517.32. Early childhood and school-based behavioral health comprehensive plan.

(a) By March 30, 2013, the Mayor shall submit a comprehensive plan to the Council for the expansion of early childhood and school-based behavioral health programs and services by the 2016-2017 school year. At minimum, the plan shall:

- (1) Establish a strategy to enhance behavioral health services in all public schools and public charter schools, including:
- (A) The implementation of programs that:
 - (i) Include interventions for families of students with behavioral health needs;
 - (ii) Reduce aggressive and impulsive behavior; and

- (iii) Promote social and emotional competency in students; and
 - (B) The expansion of school-based mental health services as follows:
 - (i) By the 2014-2015 school year, services are available to at least 50% of all public and public charter school students;
 - (ii) By the 2015-2016 school year, services are available to at least 75% of all public and public charter school students; and
 - (iii) By the 2016-2017 school year, services are available to all public and public charter school students;
 - (2) Include an analysis of whether current health education standards align with actual behavioral health needs of youth and any recommendations for proposed changes; and
 - (3) Provide recommendations for the expansion of behavioral health programs and services at child development facilities.
- (b)(1) The Mayor shall not alter the school-based behavioral health programs and services model for the 2017-2018 school year.
- (2) There is established a Task Force on School Mental Health ("Task Force") to steer the creation of a comprehensive plan to expand school-based behavioral health programs and services. The Task Force shall consist of the following:
- (A) The Deputy Mayor for Health and Human Services or his or her designee, to co-chair the task force;
 - (B) The Deputy Mayor for Education or his or her designee;
 - (C) The Director of the Department of Behavioral Health or his or her designee;
 - (D) The State Superintendent of Education or his or her designee;
 - (E) A Department of Behavioral Health school mental health program clinician appointed by the Chairperson of the Committee on Health, in consultation with committee members;
 - (F) The Chairperson of the Committee on Health or his or her designee;
 - (G) The Chairperson of the Committee on Education or his or her designee;
 - (H) A Department of Behavioral Health school mental health program clinician appointed by the Mayor;
 - (I) A representative of a core service agency appointed by the Mayor;
 - (J) A non-core service agency school mental health provider appointed by the Mayor;
 - (K) A District of Columbia Public Schools representative appointed by the Mayor;
 - (L) A parent of a District of Columbia Public Schools student and a parent of a District of Columbia public charter school student appointed by the Chairperson of the Committee on Education, in consultation with committee members;
 - (M) A non-core service agency school mental health provider appointed by the Chairperson of the Committee on Education, in consultation with committee members;
 - (N) A District of Columbia public charter school representative appointed by the Chairperson of the Committee on Education, in consultation with committee members;
 - (O) A representative of a core service agency appointed by the Chairperson of the Committee on Health, in consultation with committee members; and
 - (P) A school mental health expert appointed by the Chairperson of the Committee on Health, in consultation with committee members, to co-chair the task force.

(3) The Task Force shall review the comprehensive plan submitted to the Committee on Health and the Committee on Education on May 9, 2017, by the Deputy Mayor for Health and Human Services ("Deputy Mayor").

(4) By February 9, 2018, the Task Force shall provide a report to the Council and the Mayor that includes the following:

(A) An evaluation of the comprehensive plan submitted under paragraph (3) of this subsection, including the following:

- (i) Any shortcomings or defects in the plan;
- (ii) An analysis of healthcare provider interest in participating in the plan;
- (iii) An analysis of healthcare provider capacity to participate in the plan; and
- (iv) District of Columbia Public Schools and District of Columbia public charter schools interest in participating in the plan;

(B) An analysis of the school mental health programs and providers currently operating in District of Columbia Public Schools and District of Columbia public charter schools, including best practices;

(C) An analysis of the Department of Behavioral Health's current school mental health program ("SMHP") to determine what schools participate in the SMHP and what activities occur across the schools, including an analysis of available Department of Behavioral health data, such as the following:

- (i) The number of psychiatric admits for children by school;
- (ii) The number of children with an individualized education plan; and
- (iii) Existing SMHP data for the number of sessions and number of clients per school;

(D) A comprehensive plan to expand school-based behavioral health programs and services, which shall include:

- (i) The Task Force's proposed changes to the Deputy Mayor's comprehensive plan under paragraph (3) of this subsection;
- (ii) A timeline for implementation of the Task Force's comprehensive plan;
- (iii) A funding source for the Task Force's comprehensive plan;
- (iv) A workforce development strategy;
- (v) The District-wide need for school-based behavioral health programs and services; and
- (vi) Evaluation criteria to determine the common metrics all school mental health providers should collect so indicators of success may be reported across providers.

§ 7-1131.17. Youth behavioral health program.

(a) As of October 1, 2012, there is established within the Department, and shall be made available to all child development facilities, public schools, and public charter schools, a program that, at a minimum, provides participants with the tools needed to:

- (1) Identify students who may have unmet behavioral health needs;
- (2) Refer identified students to appropriate services for behavioral health screenings and behavioral health assessments;
- (3) Recognize the warning signs and risk factors for youth suicide and implement best practices for suicide prevention, suicide intervention, and suicide postvention.

§ 38-236.06. Support for positive school climate and trauma-informed educational settings.

(c-1) Beginning October 1, 2019, and consistent with the recommendations in the Report of the Task Force on School Mental Health submitted March 26, 2018, the Department of Behavioral Health shall provide local education agencies and schools with non-instructional personnel who have specialized expertise in behavioral health and trauma-informed educational settings to provide local education agencies and schools with broader mental health services, including reducing the use of exclusion by addressing the causes of student misconduct and being available for consultation regarding the development and revision of disciplinary plans.

§ 38-754.03. Administration of community schools incentive initiative.

(a) The Mayor shall establish and administer the multiyear Community Schools Incentive Initiative ("Incentive Initiative") to award multiyear grants to incentivize the establishment of no fewer than 5 new community schools within one year of June 19, 2012, with priority given to schools that have:

- (1) A focus on mental health prevention and treatment services.

§ 38-827.01. Establishment of the Healthy Youth and Schools Commission.

(a) There is established the Healthy Youth and Schools Commission with the purpose of advising the Mayor and the Council on health, wellness, and nutritional issues concerning youth and schools in the District, including:

- (9) Emotional, social, and mental health services.

§ 38-2602. Responsibilities.

(b) The OSSE shall:

(26)(A) Develop and publish online written guidance to assist LEAs in developing and adopting policies and procedures for handling aspects of student mental and behavioral health. The written guidance shall include model policies for identifying, appropriately supporting, and referring to behavioral health service providers students with mental and behavioral health concerns, and model policies for suicide prevention, suicide intervention, and suicide postvention, especially for at-risk youth sub-groups.

(B) OSSE shall examine its guidance on mental and behavioral health in schools at least every 5 years and update its guidance as needed. Within 30 days of updating its guidance, OSSE shall notify LEAs of the update.

REGULATIONS

5-B2413. School-based health centers.

2413.1 The Chancellor may accept health services, including primary health, behavioral health, and oral health, from the Director of the Department of Health, the Director of the Department of Mental Health, or from a public or non-profit healthcare organization. The health services shall be provided to D.C. Public Schools students in a school setting in accordance with the provisions of this section, standards as established by the Department of Health, and an agreement concerning school-based health centers (SHCs) executed by the D.C. Public Schools (DCPS) and the healthcare organization.

2413.2 Health services provided to D.C. Public Schools pursuant to this section shall be provided to students in accordance with:

- (a) The provisions of this section; and
- (b) An agreement concerning SHCs executed by DCPS and the healthcare organization.

2413.3 Health services provided in a SHC located in DCPS shall be subject to the following limitations:

- (a) Services shall augment, supplement, or complement DCPS services in the areas of the physical, social, mental, and emotional well-being of students, or fulfill an unmet health need within the general student population;
- (b) A practitioner shall obtain informed consent for all health care services provided.
- (c) Services shall be provided to:
 - (1) Students enrolled in the school in which the SHC is located;
 - (2) Additional schools named as part of the agreement executed between D.C. Public Schools and the healthcare organization;
 - (3) To students previously enrolled within those schools during the current school year, upon approval of the school principal;
 - (4) To prospective students of the schools as part of an enrollment process;
 - (5) To the students' minor family members, upon approval by DCPS; and
 - (6) To other members of the community during before- or after-school hours, upon approval by DCPS.
- (d) Services shall be provided regardless of ability to pay unless an agreement between DCPS and the healthcare organization provides otherwise. This section shall not be construed to relieve any insurer, Medicaid, or similar third party from an otherwise valid obligation to pay for these health services;
- (e) Services shall be provided to minors pursuant to the consent requirements of sections 600 and 603 of Title 22 of the D.C. Municipal Regulations, and pursuant to D.C. Code § 7-1231.14 for mental health treatment;
- (f) Services shall be provided only during the hours between eight o'clock (8:00) a.m. and five o'clock (5:00) p.m., unless otherwise provided in an agreement between DCPS and the healthcare organization; and
- (g) A notification system shall be established to inform students where to receive after-hours health care inclusive of non-school days, summer breaks, and during hours when the school-based health center can not be accessed.
- (h) A practitioner in a school health center may dispense prescription and over-the-counter drugs, including contraceptive drugs and devices when medically indicated.

2413.4 Health care organizations providing services in a school health center shall be subject to the following requirements:

- (a) Services shall be provided only by certified and licensed health professionals, acting under proper supervision, as appropriate;
- (b) Services shall be provided only by government agencies or organizations that are licensed to provide primary health, behavioral health, or oral health services, as appropriate;
- (c) Healthcare organization staff shall be subject to and shall pass the DC Public Schools background check and screening requirements required by the Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353); D.C. Official Code § 4-1 501.01 et seq.);
- (d) The healthcare organization shall comply with the students' health and personal confidentiality requirements of this chapter; the Family Educational Rights and Privacy Act (FERPA) approved (110 Stat 197) 20 U.S.C. § 1232g, and the regulations promulgated under FERPA, including 34 CFR Part 99; the Health Insurance Portability and Accountability Act (HIPAA) approved (110 Stat 2021) 42 U.S.C. § 1320d et seq., and the regulations promulgated under HIPAA, including 45 CFR Part 164; and the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01 et seq.); and

(e) The healthcare organization shall have insurance coverage for bodily injury and property damage, errors and omissions, officer's liability and professional liability of no less than five million dollars (\$ 5,000,000) per claim and ten million dollars (\$ 10,000,000) per accident.

2413.5 A Local School Health Center Advisory Council (LSHCAC) shall be established at a school with a SHC. The school leadership may convene the LSHCAC as part of the school's existing wellness council or committee. The LSHCAC shall serve in an advisory capacity to each SHC. The Chancellor shall make all decisions. The principal of each school with a SHC shall convene the initial meeting of that school's LSHCAC. At the first meeting, the members present shall select the leadership of the council.

2413.6 Each LSHCAC shall be comprised of representatives from the local school staff, community leaders, health professionals, behavioral health and social work professionals, parents, and students. Each LSHCAC may also include representatives from the Office of the Chancellor and the Department of Health or the Department of Mental Health, as appropriate. The exact composition of each LSHCAC shall be determined by agreement executed among the school, DCPS, the Department of Health, the Department of Mental Health, and the healthcare organization.

2413.7 The LSHCAC shall provide advice to the local school administration, the Directors of the Departments of Health and Mental Health, and the Chancellor on matters related to the operation of the school health center as it considers appropriate. It shall specifically advise on the following:

- (a) The standard format and procedures used to inform parents of the school health center and to gain their consent for utilization of the center by their children;
- (b) The scope of services provided at the health center;
- (c) The adequacy of the health education material used to promote preventive health care and general health promotion;
- (d) The adequacy of any school health center's provisions to enhance and encourage parents' ability to counsel their own children with competence and confidence;
- (e) The consistency of the health education materials regarding human sexuality, preventive health care, and general health promotion with materials used in the classroom; and
- (f) The adequacy of a SHC's provisions for addressing the emotional and social support needs of students.

5-B2500. General policy.

2500.6 Options for prevention, intervention, and remediation shall include, but not be limited to:

- (m) Intervention by guidance counselor or mental health professional.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

§ 2-1535.03. Bullying prevention policy.

(b) Each agency, educational institution, and grantee shall control the content of its policy; provided, that each policy includes:

(6) A procedure for reporting bullying or retaliation for reporting an act of bullying, including for reporting bullying anonymously; provided, that no formal response shall be taken solely on the basis of an anonymous report;

(7) A procedure for prompt investigation of reports of violations of its policy and of complaints of bullying or retaliation, including the name and contact information of the person responsible for investigating reports.

§ 2-1535.05. Retaliation.

(a) An employee, volunteer, or youth shall not retaliate against a victim or witness of bullying or a person who reports bullying.

(b) An employee or volunteer who has witnessed bullying in violation of a bullying prevention policy that is consistent with § 2-1535.03(a), or has reliable information that a person has been subject to bullying in violation of a bullying prevention policy that is consistent with § 2-1535.03(a), shall report the incident or information to the person designated by the agency, educational institution, or grantee, in accordance with § 2-1535.03(b)(7), as responsible for investigating the reports.

(c) An employee, volunteer, or youth who promptly and in good faith reports an incident of, or information on, bullying in compliance with the policy of the agency, educational institution, or grantee shall be immune from a cause of action for damages arising from the making of such report.

REGULATIONS

4-1502. Adoption of a bullying prevention policy.

1502.3 A covered entity's bullying prevention policy shall at a minimum include the following elements:

(g) A mechanism and procedures for staff, students, parents/guardians, and others to report bullying, retaliation for reporting bullying, or other violations of the bullying prevention policy that permits anonymous reporting, provided however, that no formal response shall be taken solely on the basis of anonymous reporting;

(h) A procedure for prompt investigation of reports of bullying, retaliation, or other violations of the bullying prevention policy that identifies the name and contact information for the person(s) responsible for investigating bullying and retaliation.

4-1504. Reporting Bullying or Retaliation Complaints.

1504.1 Each covered entity shall encourage youth, parents, guardians, employees, volunteers and community members to report any incidents of bullying or retaliation that they are witness to, or of which they are aware.

1504.2 Reports of bullying, retaliation, and other violations of the bullying prevention policy should be made to the Point of Contact at the covered entity, either by mail, telephone, facsimile, electronically, or through an anonymous drop box at the covered entity's site.

1504.3 If an individual is unable to report the complaint to the Point of Contact, the complaint may also be made to a member of the covered entity's management or leadership team, and those individuals shall refer the complaint to the Point of Contact for investigation. If there is some reason why the Point of Contact should not be the investigator on a particular matter, for example if there are any known or raised conflict of interests, the covered entity's management may assign another investigator.

1504.4 Employees and volunteers of covered entities shall promptly report incidents of bullying or retaliation to the entity's named Point of Contact identified in the policy when they witness incidents of bullying or retaliation, or for incidents about which they have reliable information.

1504.5 Information about reporting bullying and retaliation shall be communicated to all youth associated with the covered entity in an age-appropriate manner.

1504.6 Each covered entity shall ensure that there are reporting materials available in a wide variety of languages as required by the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §§ 2-1931 et seq.) and 4 DCMR § 1205.4.

1504.7 The person designated by a covered entity to investigate bullying, retaliation, and other violations of the bullying prevention policy (the covered entity's Point of Contact) shall create a written description of each incident of bullying, retaliation, or other violation of the bullying prevention policy that was reported to him or her and where applicable, shall include the description in the annual report that is required by § 1511.

5-A2103. Absentee intervention and school-based student support teams.

2103.2 Each LEA shall incorporate evidence-based practice into its absenteeism protocol, considering procedures to address the following:

(c) Procedures for monitoring, reporting, addressing, and evaluating attendance and absences consistent with District of Columbia attendance and absence reporting requirements including:

(4) A student who accumulates ten (10) unexcused absences at any time during a school year shall be considered to be chronically truant. The school-based student support team assigned to the student shall notify the school administrator within two (2) school days after the tenth (10th) unexcused absence with a plan for immediate intervention including delivery of community-based programs and any other assistance or services to identify and address the student's needs on an emergency basis.

5-B2503. Policy for disciplinary actions.

2503.2 Principals shall ensure that accurate, appropriate documentation is maintained of all disciplinary actions.

5-E2404. Search procedures.

2404.8 Subsequent to any search being conducted, whether based on individualized suspicion or at random, the principal shall prepare a written report detailing the scope of the search and circumstances giving rise to the search. Copies of this report shall be filed with the appropriate assistant superintendent, the Division of Safety and Security, and the Legal Services Branch.

Parental Notification

LAWS

§ 38-207. Authority of police over truant child.

(c) Within 2 business days of a minor student's 10th unexcused absence during a school year, the educational institution shall send the minor's parent:

- (1) Information from the Chief of Police about the compulsory attendance requirements and criminal penalties for violations of this chapter; and
- (2) A letter notifying the parent that he or she may be in violation of the school attendance requirements under this chapter and may be subject to prosecution.

§ 38-208. Truancy procedures; inter-agency coordination.

(c)(2) Within 3 business days of the Office of the Attorney General, Juvenile Section receiving written notification pursuant to paragraph (1)(B) of this subsection, the Office of the Attorney General shall send the minor student's parent a letter notifying the parent that he or she may be subject to prosecution for violation of the school attendance requirements under this subchapter.

§ 38-236.03. Establishment of school discipline policies.

(b) Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff. School discipline policies shall:

- (5) Require school personnel to seek and facilitate the involvement of parents in response to an incident resulting in a disciplinary action, particularly with regard to the plan for continuity of education, to the degree that a parent is able to participate.

REGULATIONS

5-A2101. Attendance records and reporting.

2101.12 Within two (2) business days after each occurrence of a student's tenth (10th) unexcused absence during a school year, the educational institution shall:

- (b) Send the student's parent a letter, under signature of the Chief of the Metropolitan Police Department, notifying the parent that he or she may be in violation of the school attendance requirements and subject to prosecution under District of Columbia laws; and
- (c) Notify OSSE of the student's ten (10) days of unexcused absence.

5-A2102. Absences.

2102.4 An educational institution shall obtain an explanation from the student's parent or guardian verifying the reason for an absence.

5-A2103. Absentee intervention and school-based student support teams.

2103.2 Each LEA shall incorporate evidence-based practice into its absenteeism protocol, considering procedures to address the following:

- (c) Procedures for monitoring, reporting, addressing, and evaluating attendance and absences consistent with District of Columbia attendance and absence reporting requirements including:

(1) A procedure requiring reasonable and diligent attempts to make personal contact with the parent or guardian of a student, on the same day and each time a student has the equivalent of one (1) day of unexcused absence, with daily follow-ups as necessary.

5-B2408. Dress codes/uniforms.

2408.13 With the exception of the disciplinary action described in section 2408.16, students violating the mandatory uniform policy shall be subject to progressive corrective measures and disciplinary action.

Additionally:

(a) Parents shall be called when a student reports to school out of uniform. The parent shall be asked to bring compliant clothing for the student to school.

(b) If the parents are not reachable or are unable to respond within two hours of the start of the school day, the student may be issued a conforming uniform from the school's uniform bank with directions to return it clean the next school day.

5-B2500. General policy.

2500.5 DCPS shall involve family members in efforts to determine the causes of misbehavior and in efforts to support appropriate school behavior. [...]

2500.6 Options for prevention, intervention, and remediation shall include, but not be limited to:

(p) Parent conference;

(q) Parent observation of student. [...]

2500.12 Disciplinary responses shall include, but not be limited to, the following strategies:

(c) Parental contact (written or by phone);

(d) Parent conference. [...]

2500.17 All oral communications, including conferences, appeals, and hearings conducted with any student, parent, or guardian shall be conducted with interpretation services when necessary to ensure effective communication. Interpretation service shall include a qualified interpreter, as that term is defined in D.C. Official Code § 2-1901 (2007 Rpl.) or DCPS staff member who is fluent in the individual's native language. A certified sign language interpreter shall be provided for any student, parent, or guardian who is deaf or hard of hearing upon request.

2500.18 All written documents concerning the disciplinary process shall be considered vital documents and provided to any student, parent, or guardian in a format that he or she can understand. For individuals with Limited or No-English Proficiency, documents shall be provided in the individual's native language. For individuals with vision impairments, reasonable accommodations shall be made to provide documents in a manner accessible to the individual, including but not limited to Braille, large type, audio recording, or some other suitable electronic media.

5-B2502. Grounds for disciplinary action.

2502.1 Tier I behaviors are those behaviors that are insubordinate or cause minor disruptions to the academic environment but do not involve damage to school property or harm to self or others. Tier I behaviors result in classroom-level disciplinary responses that may be elevated to administrative response if they are not successfully abated by the teacher or the appropriate school-level committee.

(b) Disciplinary responses for Tier I behaviors shall include:

(3) Parental contact in writing or by phone;

(4) Teacher/parent conference. [...]

2502.2 Tier II behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause disruption to the academic environment, involve damage to school property, or may cause

minor harm to self or others. Tier II behaviors result in school-based and administrative disciplinary responses.

(b) Disciplinary responses for Tier II behaviors shall include:

- (3) Parental contact in writing or by phone;
- (4) Administrator/parent conference [...]

2502.3 Tier III behaviors are those behaviors not specifically enumerated in any other tier in this chapter that cause significant disruption to the academic environment or cause harm to self or others. In addition to lesser consequences, Tier III behaviors may result in either on-site or off-site Suspension.

(b) Disciplinary responses for Tier III behaviors shall include:

- (3) Parental contact (written or by phone);
- (4) Parent conference.

5-B2504. Policy for suspensions and expulsions.

2504.13 Students younger than the age of fourteen (14) who have been suspended or expelled shall not be allowed to leave school grounds during school hours unless accompanied by a parent or guardian, or his or her designee. Students older than fourteen (14) who have been suspended or expelled shall not be allowed to leave school grounds during school hours until a parent or guardian, or his or her designee, has been contacted by phone or in person and given a reasonable opportunity to arrange for proper supervision of the student. If the parent or guardian of a suspended student cannot be notified by phone or in person, the student must remain at school until the end of the school day.

2504.14 If the parent or guardian of a student who has been suspended cannot be contacted by phone or in person before the next school day, and the student arrives at school, he or she must remain in the building until a parent or guardian can be contacted and given a reasonable opportunity to arrange for proper supervision of the student or until the end of the school day. The student may be segregated and must be appropriately supervised during this time. Any such day will count toward fulfilling the term of the student's Suspension.

5-B2505. Procedures for suspensions and expulsions.

2505.4 The conference shall include a discussion of the following:

(g) If the principal is recommending Long-Term Suspension or Expulsion, the principal shall report his or her findings and recommendations from the conference in writing to the student and parent or guardian and a person designated by the Chancellor. The principal shall also inform the student and parent or guardian in writing of disciplinary hearing procedures, appeal rights, the intervention supports available to the student, and the requirements for readmission.

2505.5 The conference may include the parent or guardian, witnesses, and/or legal representative, but participation by such party(ies) shall not be required.

2505.6 Students and parents or guardians shall be provided written notice of all Suspensions and Expulsions as follows:

(a) No student may be suspended or expelled, including on-site Suspension, without written notice to the adult student or minor student's parent or guardian.

(b) Following the oral notice provided to parents or guardians pursuant to § 2504.13 verifiable written notice using contact information provided by the parent or guardian (e.g. email, certified mail, or hand-delivered mail with a signature receipt) of all authorized or proposed Suspensions and Expulsions must be sent to the parent or guardian or to the adult student no later than one (1) school day after the decision by the principal or a person designated by the Chancellor to authorize or propose Suspension or Expulsion.

(c) The notice must inform the parent or guardian of the identity of the person who has the authority to modify or rescind the proposed Suspension or Expulsion. Adult students shall receive notification of their infraction in the same manner.

(d) The notice must also include a description of the infraction including a citation of the rule(s) upon which the action is based, a summary of the facts, the length of the proposed Suspension or Expulsion, the principal's recommendation for an Education Plan or Alternative Educational Setting; and a description of the student's right to appeal pursuant to § 2505.13 or to a hearing pursuant to § 2505.14.

(e) A student who has been given a notice of proposed Expulsion may be immediately placed on Suspension in accordance with the rules and procedures set forth in this section.

5-B2506. Procedures for disciplinary hearings.

2506.1 Disciplinary hearings shall be held at a time and place that is reasonably convenient to the student and parent or guardian.

2506.2 For Long-Term Suspensions and Expulsions, the hearing shall be held not more than four (4) school days after a written notice regarding disciplinary action is provided to the parent or guardian or adult student, except that the hearing may be postponed for not more than five (5) school days upon the request of the adult student, minor student's parent or guardian, or his or her representative, where postponement of the hearing is necessary to prepare for the hearing, provide for the hearing, or provide for the attendance of necessary parties, including interpreters. The hearing officer shall provide written notice to the parent or guardian or adult student of the date, time, and location of the hearing immediately upon scheduling the hearing. The notice from the hearing officer shall state what consequences, if any, result from failure to attend the hearing.

2506.3 The hearing shall be closed to the public unless the parent or guardian or adult student requests an open hearing.

2506.4 The student shall have a right, but shall not be required, to have a representative or legal counsel, selected by the parent or guardian or adult student.

2506.5 The student, parent or guardian, or representative shall have the right to question any witness or challenge any documentary evidence.

2506.6 The parent or guardian or adult student shall have the opportunity to present testimony and documentary evidence, including the opportunity to call any witness to present testimony relevant to the disciplinary action or other school system recommendation. The right to call witnesses shall include the right to require the presence of any involved school official.

2506.7 It shall be the burden of the DCPS to show by a preponderance of the evidence that the student did commit the infraction(s) upon which the disciplinary action is based.

2506.8 The hearing officer shall ensure that all due process procedures have been followed or waived.

2506.9 The hearing officer may question any witness or party and shall examine all documentary evidence.

2506.10 The hearing shall not be conducted according to the rules of evidence. However, the hearing officer may exclude any testimony or evidence that is irrelevant or repetitive.

2506.11 The hearing officer shall ensure that the hearing is conducted in a fair and orderly manner and shall have the authority to exclude any party or other person from the hearing on the grounds of substantial interference or obstruction of the orderly hearing process.

2506.12 The hearing officer shall make an official electronic audio recording of the hearing, which shall constitute the official record thereof. Upon request, a copy of the recording shall be made available to the parent or guardian, adult student, or representative and the local school principal. This provision shall not

preclude a parent or guardian or representative from also recording or transcribing the hearing at his or her expense.

2506.13 The principal or school official shall indicate a recommendation of the school system for the duration of the off-site placement.

5-B2507. Hearing officer recommendation.

2507.4 A copy of the written determination provided by a person designated by the Chancellor or by the head of the Office of Youth Engagement shall be given or mailed, within twenty-four (24) hours, to the adult student, the minor student's parent or guardian, and their representatives, if any.

5-B2509. Re-entry following expulsion.

2509.1 Prior to the conclusion of an Expulsion, a person designated by the Chancellor shall hold a conference with the student and the student's parent or guardian to determine appropriate school placement for the student.

2509.2 The conference shall be held according to guidelines in § 2505, and shall include discussion of the following topics:

- (a) The student's activities while under disciplinary action;
- (b) The steps the student will take to avoid a subsequent disciplinary action;
- (c) Support required by the student to avoid subsequent disciplinary action; and
- (d) Any other pertinent circumstances.

2509.3 Effort shall be made to return the student to his or her previous school, unless a person designated by the Chancellor reasonably concludes based on the conference that another school is a more appropriate setting.

2509.4 The student and his or her parent or guardian shall be informed of the school placement no more than one school day after the conference, and the registration/enrollment process shall be facilitated as smoothly and quickly as possible thereafter.

2509.5 The principal of the receiving school shall ensure the returning student receives an appropriate academic program, as well as services to ensure a smooth transition back into the general school population (e.g., SST meeting, counseling, etc.).

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

§ 2-1535.07. Reporting requirement.

(a) Each educational institution shall provide to the Mayor, by a date determined by the Mayor, an annual report regarding the aggregate incidents of bullying, and any other information that the Mayor determines is necessary or appropriate.

(b) By September 1, 2014, and biennially thereafter, the Mayor shall:

- (1) Review the programs, activities, services, and policies established pursuant to this subchapter of each agency, educational institution, or grantee to determine their effectiveness and whether the agency, educational institution, or grantee is in compliance with this subchapter; and

(2) Report the findings to the Council by December 31 of each year that a report is due, along with an assessment of the current level and nature of bullying in agencies, educational institutions, and grantees and recommendations for appropriate actions to address identified problems.

§ 38-203. Enforcement; penalties.

(i) Within 60 days after the end of a school year, each public, independent, private, or parochial school shall report to the Office of the State Superintendent of Education, and make publicly available the following data for each school or campus under its authority 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) The work of the school-based student support teams in reducing unexcused absences, including:

- (i) The number of students who were referred to a school-based student support team;
- (ii) The number of students who met with a school-based student support team;
- (iii) A summary of the action plans and strategies implemented by the school-based student support team to eliminate or ameliorate unexcused absences; and
- (iv) A summary of the services utilized by students to reduce unexcused absences;
- (v) A summary of the common barriers to implementing the recommendations of the school-based student support team;

(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) [(a-2) expired];

(B-i) The number of minors categorized by grade, or equivalent grouping for ungraded schools, that the school referred to the Court Social Services Division of the Family Court of the Superior Court of the District of Columbia for truancy; and

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

§ 38-209. Reporting requirements.

By July 15 of each year, beginning in 2014, the Office of the Attorney General shall submit to the Mayor and the Secretary to the Council a truancy status report on the preceding school year, which shall include the number of:

- (1) Referrals it received from each educational institution;
- (2) Cases it filed pursuant to this subchapter, and the outcome of each;
- (3) Child-in-need of supervision cases filed pursuant to this subchapter, and the outcome of each; and
- (4) Students who were enrolled in a court diversion program, or other diversion program pursuant to this subchapter.

§ 38-236.06. Support for positive school climate and trauma-informed educational settings.

(d) Within 2 years after August 29, 2018, and every 5 years thereafter, the OSSE shall submit to the Mayor and the Council an evaluative report on local education agency and school implementation of practices to promote school safety and reduce the use of exclusion, which shall:

- (1) Be based upon rigorous research techniques, including quantitative and qualitative methods;
- (2) Draw on the information maintained and reported pursuant to § 38-236.09, as well as other sources, with a particular focus on:
 - (A) Ensuring the fidelity of data reporting;
 - (B) Unanticipated consequences of the disciplinary policies and practices adopted pursuant to this part;
 - (C) Barriers schools face in implementing the policies and practices required pursuant to this part; and
 - (D) Effective approaches utilized by schools to avoid reliance on exclusion and reduce disparities in its use;
- (3) Provide specific recommendations for further action by the Council, executive branch, and schools; and
- (4) Provide suggestions for further research.

§ 38-236.08. Suspension and expulsion report.

Within 180 calendar days of September 19, 2013, the Office of the State Superintendent of Education shall submit to the Mayor and the Secretary to the Council a report with findings and recommendations to aid each educational institution to eliminate out-of-school suspensions and expulsions, except for those students who pose a reasonable threat of death or serious bodily harm to themselves or others or violate part A of this subchapter [§ 38-231 et seq.].

§ 38-236.09. Annual reporting requirements.

(a) Each local education agency and entity operating a publicly funded community-based organization shall maintain data for each student that includes:

- (1) Demographic data including:
 - (A) The campus attended by the student;
 - (B) The student's grade level;
 - (C) The student's gender identification;
 - (D) The student's race;
 - (E) The student's ethnicity;
 - (F) Whether the student receives special education services;
 - (G) Whether the student is classified as an English language learner; and
 - (H) Whether the student is considered at-risk as defined in § 38-2901(2A);
- (2) Discipline data including:
 - (A) Total number of in-school suspensions, out-of-school suspensions, involuntary dismissals, and emergency removals experienced by the student during each school year;
 - (B) Total number of days excluded from school;
 - (C) Whether the student was referred to an alternative education setting for the duration of a suspension, and whether the student attended;
 - (D) Whether the student was subject to a disciplinary unenrollment during the school year;
 - (E) Whether the student voluntarily withdrew or voluntarily transferred from the school during the school year;
 - (F) Whether the student was subject to referral to law enforcement;

- (G) Whether the student was subject to school-related arrest; and
 - (H) A description of the misconduct that led to or reasoning behind each suspension, involuntary dismissal, emergency removal, disciplinary unenrollment, voluntary withdrawal or transfer, referral to law enforcement, school-based arrest and, for students with disabilities, change in placement; and
- (3) Special education services data, including whether a student received during the school year:
- (A) A functional behavioral assessment;
 - (B) An updated behavior improvement plan; or
 - (C) A manifestation determination review, including the number of suspension days that triggered the review, whether the suspension days were cumulative, and the outcome of the review.
- (b) By August 15 of each year, each local education agency or entity operating a publicly funded community-based organization shall submit a report to the Office of the State Superintendent of Education disaggregated by each of the demographic categories identified in subsection (a)(1) of this section. The report shall include:"
- (1) The students suspended for:
 - (A) At least one and no more than 5 days, and whether the suspension was an in-school suspension or an out-of-school suspension;
 - (B) At least 6 and no more than 10 days and whether the suspension was an in-school suspension or an out-of-school suspension;
 - (C) More than 10 days and whether the suspension was an in-school suspension or an out-of-school suspension;
 - (2) The students who received more than one suspension in a school year and whether the suspensions were in-school or out-of-school suspensions;
 - (3) The students who were referred to an alternative educational setting for the course of a suspension;
 - (4) The students who received a school-based intervention rather than an in-school suspension, and a description of the school-based intervention;
 - (5) The students involuntarily dismissed:
 - (A) At least once and no more than 5 times;
 - (B) At least 6 times and no more than 10 times;
 - (C) More than 10 times;
 - (6) The students subject to emergency removals;
 - (7) The students subject to a disciplinary unenrollment, disaggregated by type of disciplinary unenrollment;
 - (8) The students who voluntarily withdrew or transferred;
 - (9) The students subject to referral to law enforcement;
 - (10) The students subject to school-related arrest;
 - (11) A description of the misconduct that led to or reasoning behind each suspension, involuntary dismissal, emergency removal, disciplinary withdrawal, voluntary withdrawal or transfer, referral to law enforcement, school-based arrest, and, for students with disabilities, change in placement;
 - (12) Whether the student received a functional behavior assessment, an updated behavioral improvement plan, or a manifestation determination review, as those terms are used in the Individuals with Disabilities Education Act, approved December 3, 2004 (118 Stat. 2745; 20 U.S.C. § 1400 et seq.), and the outcomes of those actions; and

(13) Whether the student was subject to suspensions exceeding the time limits described in § 38-236.04(b), and a summary of the written justification provided by the local education agency for those disciplinary actions.

(c)(1) Each local education agency or entity operating a publicly funded community-based organization shall provide the requested data in subsection (b) of this section in a form and manner prescribed by the Office of the State Superintendent of Education.

(2) The OSSE shall collaborate with local education agencies and publicly funded community-based organizations to develop consistent definitions for the types of misconduct and explanations of reasoning required to be maintained or reported pursuant to subsections (a)(2)(H) and (b)(11) of this section.

(d) By December 15 of each year, beginning in 2016, the Office of the State Superintendent of Education shall publicly report on the data provided by local education agencies and community-based organizations in subsection (b) of this section during the preceding school year, including a relevant trend analysis. The report shall include a trend analysis based on available data, including data drawn from the Youth Risk Behavior Survey, school climate surveys, and any other available sources, of the exclusion of students who identify as lesbian, gay, bisexual, questioning of the student's sexual orientation, transgender, gender nonconforming, or questioning of the student's gender identity or expression.

REGULATIONS

4-1504. Reporting Bullying or Retaliation Complaints.

1504.7 The person designated by a covered entity to investigate bullying, retaliation, and other violations of the bullying prevention policy (the covered entity's Point of Contact) shall create a written description of each incident of bullying, retaliation, or other violation of the bullying prevention policy that was reported to him or her and where applicable, shall include the description in the annual report that is required by § 1511.

4-1511. Educational Institutions Reporting Requirements.

1511.1 Each educational institution shall report to OHR by August 15 of each year the following information:

- (a) The aggregate number of incidents of bullying, retaliation, and other violations of the bullying prevention policy at the educational institution during the prior school year (including the prior summer term);
- (b) A brief description of each such incident (as required by § 1505.5); and
- (c) The results of the investigation of the incident.

1511.2 The annual report of each educational institution shall also include any other information that OHR deems necessary or appropriate and requests from the educational institution.

5-A2101. Attendance records and reporting.

2101.7 Prior to the beginning of each school year, an educational institution shall designate an attendance monitor(s) to be responsible for collecting, maintaining, and reporting the attendance data required for each student consistent federal and District requirements. An attendance monitor shall:

- (a) Ensure timely submission of attendance in conformance with this chapter; and
- (b) Submit corrected attendance records via an automated, electronic feed, or such other format; and provide any corrections to attendance records within fifteen (15) business days of submission; and
- (c) Timely respond to requests for clarification of submitted attendance records. [...]

2101.9 Within sixty (60) days after the completion of each school year, an educational institution shall submit to OSSE the report described in D.C. Official Code § 38-203.(i). Such report shall include attendance information in aggregate form, excluding individual student data.

2101.10 Prior to the beginning of each school year, OSSE shall issue a report including the following information:

- (a) Truancy rates for each educational institution;
- (b) Progress in improving attendance and reducing truancy for each educational institution; and
- (c) Each educational institution's compliance with key attendance and truancy requirements.

5-A2103. Absentee intervention and school-based student support teams.

2103.3 In addition to the report required at the end of each school year pursuant to D.C. Official Code § 38-203.(i), an educational institution shall provide, upon request, student-level data and records evidencing the work of school-based student support teams.

5-B2508. Review by the chancellor.

2508.1 The Chancellor may review, at his or her discretion, any proposed disciplinary action. If the Chancellor determines that disciplinary action is not warranted, the determination shall include a statement ordering the destruction of all school records of the disciplinary action, including any reports of the disciplinary action that relate to the incident upon which the action was based, provided that, from the facts presented, it is determined that there was no violation of any DCPS rule or policy, insofar as those reports individually identify the student.

2508.2 With respect to all disciplinary actions, the Chancellor may overrule or modify any proposed disciplinary action including Expulsion. The Chancellor shall provide written justification for any modification of disciplinary action.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

§ 38-207. Authority of police over truant child.

(a)(1) A law enforcement officer who has reasonable grounds to believe, based on the minor's age and other factors, that a minor is truant from any public, independent, private, or parochial school on a day and during the hours when the school is in session shall take that minor into custody and deliver the minor to the public, independent, private, or parochial school where the minor is presently enrolled, so long as the school is located in the District.

(2) If the minor is not currently enrolled at a public, independent, private, or parochial school, the law enforcement officer shall take the minor to the District of Columbia Public Schools placement office.

(3) If a minor is enrolled in a public, independent, private, or parochial school located within the District of Columbia, the educational institution shall receive that minor from a law enforcement officer during the hours when the school is in operation.

§ 38-208. Truancy procedures; inter-agency coordination.

(c)(1)(B) Beginning in the 2016-2017 school year, the educational institution shall refer a minor student 14 years of age through 17 years of age to the Court Social Services Division of the Superior Court of the District of Columbia and to the Office of the Attorney General Juvenile Section no later than 2 business days after the accrual of 15 unexcused full school day absences within a school year.

§ 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.) [repealed, see now 20 U.S.C. § 7151] 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.

§ 38-236.01. Definitions.

For the purposes of this part, the term:

(15) "Referral to law enforcement" means an action by school personnel to report a student to a law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during off-campus school activities, or while taking school transportation. [...]

(17) "School-related arrest" means an arrest of a student for an activity conducted on school grounds, during off-campus school activities, while taking school transportation, or due to a referral to law enforcement by the student's school.

§ 38-236.03. Establishment of school discipline policies.

(b) Local education agencies shall adopt, in consultation with school personnel, students, and parents, school discipline policies to promote the safety and well-being of students and staff. School discipline policies shall:

(10) Provide that school personnel shall consider whether student behavior can be safely and appropriately handled through other disciplinary action before making referrals to law enforcement or seeking school-related arrests in response to student behavior.

REGULATIONS

5-E2404. Search procedures.

2404.4 Random searches of students, and lockers shall be undertaken, in a manner which is consistent with the overall need to maintain the safety and security of D.C. Public Schools. The searches shall occur under the auspices of the D.C. Public Schools Office of Safety and Security and, where appropriate, the Metropolitan Police Department and the D.C. Public Schools Legal Services Branch, unless circumstances compel immediate action to avoid imminent danger to self or others.

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

§ 5-132.03. Training for school resource officers.

The School Safety Division shall develop a training curriculum for all school resource officers. The curriculum shall be focused on training supervisory and on-site personnel so that they will provide appropriate security procedures for the various socioeconomic conditions at each educational facility. The curriculum shall include training in the following areas:

- (1) Child development;
- (2) Effective communication skills;
- (3) Behavior management;
- (4) Conflict resolution;
- (5) Substance abuse and its effect on youth;
- (6) Availability of social services for youth;
- (7) District of Columbia laws and regulations;
- (8) Constitutional standards for searches and seizures conducted by school resource officers on school grounds; and
- (9) Gang and crew violence prevention.

§ 5-132.03b. Training for school security personnel.

(a) For the school year beginning in 2020, DCPS may use the training curriculum adopted by MPD pursuant to § 5-132.03 to train its school security personnel.

(b) By the start of the school year beginning in 2021, DCPS shall adopt a school security personnel training curriculum based on the positive youth development philosophy. The curriculum shall focus on training supervisory and on-site personnel to provide security services responsive and appropriate to the student, staff, and family populations at each school building. At a minimum, the curriculum shall include training in the following areas, developed with advice from appropriate other District agencies:

- (1) Child and adolescent development;
- (2) Effective communication skills;
- (3) Behavior management;
- (4) Conflict resolution, including restorative justice practices;
- (5) De-escalation techniques;
- (6) Behavioral health issues for youth and families;

- (7) Child sexual abuse and gender-based violence prevention, identification, and response;
- (8) Availability of social services for youth;
- (9) District of Columbia laws and regulations;
- (10) Constitutional standards for searches and seizures conducted by school security personnel on school grounds; and
- (11) Violence prevention, including gang and crew dynamics.

REGULATIONS

No relevant regulations found.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

§ 5-132.01. Definitions.

For the purposes of this subchapter, the term:

- (1) "Chancellor" means the Chancellor of the District of Columbia Public Schools.
- (1A) "DCPS" means the District of Columbia Public Schools.
- (1B) "MOA" means the Memorandum of Agreement into which DCPS and MPD enter pursuant to § 5-132.04.
- (2) "MPD" means the Metropolitan Police Department.
- (2A) "Public charter schools" shall have the same meaning as provided in § 38-1800.02(29).
- (3) "School resource officer" means a sworn MPD officer assigned to DCPS or public charter schools for the purpose of working in collaboration with DCPS, public charter schools, and community-based organizations to:
 - (A) Prevent crime through community-oriented policing strategies;
 - (B) Address crime and disorder, gang, and drug activity problems affecting or occurring in or around the schools to which the school resource officer is assigned; and
 - (C) Ensure that DCPS schools and grounds and public charter schools and their grounds are safe environments for students, teachers, and staff.
- (5) "School security personnel" means individuals, including unarmed security guards, that DCPS hires or contracts to support safety in DCPS schools.
- (5A) "Security-related contract" means any contract to provide physical or personal security services, including school security personnel, at DCPS schools.

§ 5-132.02. Establishment of the Metropolitan Police Department School Safety Division; functions of the School Safety Division.

- (a) There is established within the Metropolitan Police Department a School Safety Division that shall provide school resource officers to the DCPS schools and public charter schools.
- (b) The School Safety Division shall be headed by a Director, appointed by, and reporting to, the Chief of Police with rank equal to a Commander or above.
- (c) The School Safety Division shall:
 - (1) Hire and train school resource officers;
 - (2) Deploy school resource officers to:

(A) DCPS schools, consistent with the terms of the MOA; and

(B) Public charter schools;

(3) Coordinate with DCPS and public charter schools regarding the use and sharing of resources and communications between MPD and school-specific safety teams; and

(4) Provide recommendations to the Mayor, Council, and the DCPS Chancellor regarding the impact of school closings, consolidations, grade reconfigurations, use of swing space during school reconstruction, and gang and crew violence on the safety and well-being of children.

(d)(1) The School Safety Division shall develop a plan to be implemented before the beginning of each DCPS school year for protecting children walking to and from DCPS and public charter schools and for protecting children from gang and crew violence on, in, and around DCPS and public charter schools' property. Beginning in 2009, this plan shall be provided to the Mayor, the Council, and the Chancellor, by August 15th of each year.

(2) The plan shall include a description of:

(A) Safety issues children may face during passage to and from school, and recommended solutions to these issues; and

(B) A description of specific gang and crew conflicts and recommended solutions for the protection of children from gang and crew violence on, in, and around DCPS and public charter schools property.

(3) The plan shall incorporate the recommendations of the District Department of Transportation on the deployment of school crossing guards required under § 38-3101(f-1).

§ 5-132.03a. DCPS responsibilities for school security.

(a) By October 1, 2020, DCPS shall be responsible for school security personnel within DCPS schools, and shall:

(1) Oversee the hiring or contracting of school security personnel for DCPS;

(2) Deploy school security personnel to DCPS schools;

(3) Provide oversight over school security personnel and be responsible for administering all disciplinary actions related to school security personnel, including termination;

(4) Execute, approve, administer, monitor, and provide oversight over any security-related contract for school security personnel; and

(5) Create and implement school building security and emergency operations plans, in consultation with MPD and the Homeland Security and Emergency Management Agency.

§ 5-132.04. Coordination of school security efforts between DCPS and MPD.

By October 1, 2020, DCPS and MPD shall enter into a MOA for the purpose of coordinating the agencies' respective security obligations at DCPS schools. The MOA shall:

(1) Reflect DCPS's role as the administrator of any security-related contract;

(2) Include provisions for effectuating the transfer of any personnel, property, funds, or records necessary to transfer responsibility for any existing security-related contract from MPD to DCPS;

(3) Delineate lines of authority, supervision, and communication between MPD and DCPS, including how school resource officers deployed at each school will provide security in coordination with the school's principal and school security personnel; provided, that during emergencies, incident command shall be consistent with the District of Columbia response plan, as defined by § 7-2301(1A);

(4) Include a process for resolving disagreements between DCPS and MPD at all levels; and

(5) Provide for MPD advice and consultation on DCPS school building security and emergency operations plans.

REGULATIONS

No relevant regulations found.

Threat Assessment Protocols**LAWS**

No relevant laws found.

REGULATIONS

No relevant regulations found.

Government-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by District of Columbia provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Behavior and School Culture, District of Columbia Public Schools (DCPS)	Provides information and weblinks to resources pages addressing bullying prevention, behavior and discipline, and student attendance and support.	https://dcps.dc.gov/page/attendance-and-behavior
Bullying Prevention in DCPS, DCPS	Provides information on bullying prevention, including definitions of bullying behavior and links to additional resources.	https://dcps.dc.gov/bullying
Safe Passage Program, DCPS	Provides education and information regarding the District of Columbia's efforts of fostering and sustaining a safe environment for students in transit to and from school property including a survey analysis and resource toolkit.	https://safepassage.dc.gov/
School Mental Health, DCPS	Provides information on district service strategies to promote the development of healthy relationships, sound decision making, and effective regulation of emotions and behavior among students.	https://dcps.dc.gov/service/school-mental-health-team
Student Discipline, DCPS	Compiles information on discipline law and policies for schools and families including a resource guide for improving school climate and discipline and maintaining a safe learning environment.	https://sboe.dc.gov/page/discipline
Student Safety, DCPS	Provides information on school safety and approaches to ensuring the physical safety and security of school learning environments.	https://dcps.dc.gov/page/student-safety

Title	Description	Website address (if applicable)
<i>Documents</i>		
2013-14 Office of the State Superintendent of Education (OSSE) Bullying Policy, OSSE	State policy requiring all District agencies, grantees, and educational institutions that provide services to youth to adopt a bullying prevention policy outlining prevention, identification and reporting, and strategies for providing remedies to victims.	https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/OSSE%20Bullying%20Policy.pdf
DCPS Attendance and Truancy Policy (August 2018), DCPS	District policy conveying DCPS requirements on attendance and the protocols school officials must implement if a student is absent or truant.	https://dcps.dc.gov/sites/default/files/dc/sites/dcps/page_content/attachments/FINAL%20DCPS%20Attendance%20and%20Truancy%20Policy%2008-21-18.pdf
DCPS District-Wide Bullying Prevention Policy (November 2013), DCPS	District policy addressing bullying in District of Columbia's Public School that includes code of conduct, prevention, intervention, consequences and progressive discipline, professional development, reporting, investigating, protection, and complaints.	https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS%20Bullying%20Prevention%20Policy.pdf
District of Columbia Student Discipline Guide, A Guide for Students, Families, and School Staff, DC Office of the Ombudsman for Public Education	Guidance document for students, families, and school staff to explain new rules for school discipline that all public schools must follow under DC law.	https://sboe.dc.gov/sites/default/files/dc/sites/sboe/page_content/attachments/DC%20Student%20Discipline%20Guide.pdf
K-12 Student Discipline Policy Guidance (2019-20), DCPS	Guidance document for policy requirements related to K-12 student discipline pursuant to the Student Fair Access to School Amendment Act of 2018.	https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/SY-2019-20-Discipline-Policy-Guidance-July-2019.pdf
Navigating Behavioral Health Guide (2021), District of Columbia Department of Behavioral Health	Toolkit provided by the Office of the Student Advocate to provide District of Columbia families, schools, and students with information on behavioral health and how to seek care and additional resources in the District of Columbia area.	https://sboe.dc.gov/sites/default/files/dc/sites/sboe/2021%20Navigating%20Behavioral%20Health%20in%20DC%20Schools-%20FINAL.pdf

Title	Description	Website address (if applicable)
<i>Other Resources</i>		
DC School Report Card, OSSE	Report card includes state, LEA, and school level discipline and attendance data.	https://dcschoolreportcard.org/
District of Columbia Attendance Report, SY 2019-20, OSSE	Required annual report on attendance (chronic absenteeism and truancy) in the District of Columbia.	https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2019-20%20Attendance%20Report.pdf
Positive Behavioral Intervention and Support, School Climate, Restorative Justice Professional Development Opportunities, OSSE	Professional development opportunities for educators on various topics including positive behavioral intervention and support, school climate, and restorative justice.	https://osse.dc.gov/page/teaching-and-learning-professional-development-opportunities
State of Discipline, 2019-20 School Year, OSSE	Required annual report on discipline in the District of Columbia.	https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2019-20%20School%20Year%20Discipline%20Report.pdf
Restorative Justice Trainings and Resources, OSSE	Training and resources for educators on restorative justice, including a monthly Community of Practice.	https://osse.dc.gov/page/restorative-justice-trainings-and-resources