



# **Puerto Rico Compilation of School Discipline Laws and Regulations**

Prepared: January 31, 2020

## ***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 January 2020. 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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## ***Puerto Rico State Codes Cited***

### **Puerto Rico Revised Laws**

Puerto Rico contracts with LexisNexis to provide free public access to the Puerto Rico Code:

- English: <http://www.lexisnexis.com/hottopics/lawsopuertorico>,
- Spanish: <http://www.lexisnexis.com/hottopics/lawsopuertoricospa>.

Users must agree to terms and conditions prior to use of the site. All listed laws are searchable by title and chapter number or by using key search terms.

### **Title 3. Executive**

#### **Chapter 9A. Department of Education**

##### **Subchapter 11. Sexual Harassment in Learning Institutions**

3 L.P.R.A. § 149.	Prohibition of sexual harassment in learning institutions
3 L.P.R.A. § 149a.	Public policy
3 L.P.R.A. § 149b.	Definitions
3 L.P.R.A. § 149c.	Conduct consisting of sexual harassment
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3 L.P.R.A. § 149f.	Responsibility of harassment among students
3 L.P.R.A. § 149g.	Responsibility of place of studies by persons not employed
3 L.P.R.A. § 149h.	Obligation of learning institution in place of studies
3 L.P.R.A. § 149i.	Responsibility of institution with relation to personnel, to students or any other person
3 L.P.R.A. § 149j.	Rights and remedies of students
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### **Title 18. Education**

#### **Part I. Public Schools**

##### **Chapter 2. Bill of Rights and Responsibilities of the School Community**

###### **Subchapter 1. General Provisions**

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###### **Subchapter 2. Rights**

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###### **Subchapter 3. Responsibilities**

18 L.P.R.A. § 13.	Department of Education
18 L.P.R.A. § 14.	Students
18 L.P.R.A. § 15.	Parents
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## **Chapter 8. School Security Corps**

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18 L.P.R.A. § 141a.	Definitions
18 L.P.R.A. § 141b.	Creation
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18 L.P.R.A. § 141f.	Commissioner; creation of post
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18 L.P.R.A. § 141h.	Financial aid
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18 L.P.R.A. § 141L.	Annual report

## **Chapter 27. Moral Training**

18 L.P.R.A. § 571.	Bands of Mercy compulsory in public schools - Establishment; regulations
18 L.P.R.A. § 572.	Bands of Mercy compulsory in public schools - Annual report
18 L.P.R.A. § 573.	Moral education in public schools
18 L.P.R.A. § 574.	Moral education in public schools - Supervisor of Moral Education and Social Relations
18 L.P.R.A. § 575.	Moral education in public schools - Courses in morals and good habits
18 L.P.R.A. § 576.	Moral education in public schools - Cooperation with parent-teacher associations and other organizations

## **Part VIII. General Educational Activities II**

### **Chapter 151. Puerto Rican Students' Bill of Rights**

18 L.P.R.A. § 3801.	Definition of student
18 L.P.R.A. § 3802.	General rights of the student
18 L.P.R.A. § 3803.	Duties and responsibilities of students, their parents or guardians, and school authorities
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### **Chapter 152. Enabling Act for the Development of Alternative Education**

18 L.P.R.A. § 3811.	Statement of public policy
18 L.P.R.A. § 3812.	Objectives
18 L.P.R.A. § 3813.	Definitions
18 L.P.R.A. § 3816.	Functions and duties of entities of alternate education
18 L.P.R.A. § 3817.	Functions and powers of the Department of Education
18 L.P.R.A. § 3818.	Funds for alternative education in Puerto Rico
18 L.P.R.A. § 3819.	Permitted uses for the allocations made to institutions of alternative education
18 L.P.R.A. § 3820.	Reports

## **Chapter 155. School Retention Program**

- 18 L.P.R.A. § 3861. Establishment
- 18 L.P.R.A. § 3862. Public policy
- 18 L.P.R.A. § 3863. School dropout
- 18 L.P.R.A. § 3864. Establishment; regulations
- 18 L.P.R.A. § 3865. Duties and functions of the program
- 18 L.P.R.A. § 3866. Budget

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### **Part XIII. Minors**

#### **Chapter 151. Minors' Act**

- 34 L.P.R.A. § 2201. Title, nature and application
- 34 L.P.R.A. § 2203. Definitions
- 34 L.P.R.A. § 2207. Search and seizure

#### **Law No. 104 of August 2016**

- Article 1.
- Article 2.
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## **Puerto Rico Administrative Code**

### **8115. General Regulations for Students in the Puerto Rico public education system which repeals the general regulation for students in the Puerto Rico public education system number 6844 of July 28, 2004.**

#### **Article IV. Student Duties and Obligations**

I. Norms

#### **Article IX School Discipline**

- A. Concepts
- B. School security
- C. Institutional order
- D. Mediation as an alternative tool to resolve conflicts
- E. Entries and searches
- F. Rules and procedures for filing complaints and implementation of corrective actions
- G. Infractions and corrective or disciplinary measures

#### **Article X. Responsibility of the School Community**

### **8502 Regulations for the Notification of Absence to Parents, Guardians, or Guardian and Child Welfare Agencies of Puerto Rico**

- Article III. Definitions
- Article IV. Procedure



## ***General Provisions***

### **Authority to develop and establish rules of conduct**

#### **LAWS**

##### **3 L.P.R.A. § 149a. Public policy.**

It is the public policy of the Commonwealth of Puerto Rico to ensure that the students have the right to pursue their studies free from the pressure of sexual harassment in the learning institutions of Puerto Rico. Provided, That the regulatory bodies shall have the responsibility to oversee to the adoption of the public policy on sexual harassment in learning institutions and that the same is available, in a visible form, in said institutions.

##### **18 L.P.R.A. § 8. Statement of purpose.**

Article II, Section 5, of the Constitution of Puerto Rico guarantees that every person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.'

The Legislature is duty bound to respond with legislation that guarantees the rights and establishes the responsibilities of the components of the school community in order to reduce the problem of violence in the schools. This bill shall create the Bill of Rights and Responsibilities of the School Community for Security in the Schools and sets forth the rights and duties of the school community members in order to maintain a climate of peace in the schools.

This Bill of Rights and Responsibilities integrates the external and surrounding community to the schools, as well as the Commonwealth and municipal government dependencies and the private sector, in seeking to institute various efforts directed toward the reduction of acts of violence within the schools.

##### **18 L.P.R.A. § 13. Department of Education.**

(a) To establish and promulgate the General Regulations for the Students of the Puerto Rico Public Education System and the Internal Security Regulations and give notice thereof by means of a copy and orientations to the parents and students of the public education system. Said regulations shall be adopted pursuant to §§ 2101 et seq. of Title 3, known as the 'Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico', and shall be filed immediately after approval thereof.

(b) The administrative authorities, as well as the teaching and non-teaching personnel, shall have the duty to ensure compliance with the General Regulations for the Student of the Puerto Rico Public Education System and the Internal Security Regulations, especially provisions related to the codes of conduct and behavior.

(c) To establish and promulgate the Crisis Management Strategic Plan for violent incidents in schools to give notice and copy there of to the parents, tutors and students of the Public Education System.

##### **18 L.P.R.A. § 17. Elected officers and government agencies.**

(a) Elected officers are responsible for promoting legislation directed toward the reduction of school violence and the development of safe schools, provided that the resources of the Commonwealth so allow.

##### **18 L.P.R.A. § 141k. Rules and regulations.**

The Secretary is hereby empowered to adopt the necessary rules and regulations for the implementation of this chapter, including the requirements that must be met by School Security Corps candidates. These

rules and regulations shall include the requirement of undergoing Police Academy training for a period of not less than three (3) months, which shall be a part of the trial period of candidates. Such regulations shall conform to the provisions of present §§ 2101 et seq. of Title 3, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico".

## **REGULATIONS**

### **Regulation Num. 8115. Article IX, B. School security.**

1. A committee will be appointed to support the Central level, a Council Support in school districts, and a School Safety Committee in schools, as stated in the Manual for School Safety Support.
2. The primary mission of these committees will be to implement an effective prevention plan to promote a safe environment conducive to learning. If requested by the school community the committees will offer seminars, workshops and other activities related to the prevention and processes, and laws that are carried out for decisions of disciplinary cases.
3. The school principal is responsible for recommending a School Safety Committee composed of school staff that supports students, one (1) student guardian, volunteer teachers with a maximum of three (3), security personnel, and one (1) student. This committee will work with the School Board.
4. The School Safety Committee will be chaired by the Principal, who will call a meeting when necessary.
5. The School Safety Committee will assist in prevention efforts and order, pursuant to the provisions for the purpose established by the Department of Education.

## **Scope**

## **LAWS**

### **3 L.P.R.A. § 149b. Definitions.**

For the purposes of §§ 149-149k of this title, the following terms shall have the meaning stated herein below, except when otherwise clearly indicated in the context:

- (b) Learning institution. Means any elementary school, junior or senior high school, university, institute, vocational or technical school, be they private or public, recognized or not by the regulatory bodies, which offer study programs or skills for children, youths or adults in Puerto Rico.

### **18 L.P.R.A. § 3803. Duties and responsibilities of students, parents and/or tutors and school authorities.**

2. Students will attend classes timely and regularly and will observe a proper and dignified behavior during the school schedule as well as at recess and other school activities, whether the activity takes place at the school premises or outside the premises.

## **REGULATIONS**

### **Regulation Num. 8115. Article IX, C. Institutional order.**

1. Members of the school community and public order officers will be responsible for institutional order on school grounds, within one hundred (100) meters of the school, and in activities organized by the school, as established by this regulation. They will assure the development of the best relationships in the school and will make the maximum effort to create an environment favorable to the development of responsibility, cooperation, and good school discipline.

## Communication of policy

### LAWS

#### **3 L.P.R.A. § 149h. Obligation of learning institution in place of studies**

Every learning institution is under the obligation of maintaining the place of studies free from sexual harassment and intimidation and shall clearly explain its policy against sexual harassment to the students and the teaching and non-teaching personnel. It shall guarantee that its students shall be able to study in a safe and dignified environment. In compliance with the obligation imposed on the learning institution to prevent, discourage and avoid sexual harassment at the place of study, the learning institution should take the measures it may deem convenient and necessary to achieve this purpose, including, but not limited to:

- (a) Clearly explain to, the students and the teaching and non-teaching personnel that the institution follows an active policy against sexual harassment in the place of study.
- (b) Draft regulations stating the responsibilities, procedures and penalties that shall apply at the place of study to, handle sexual harassment complaints as well as those that may arise as a result of frivolous allegations from unscrupulous students or persons.
- (c) Divulge throughout the institution the rights and protection conferred and granted to the students by §§ 149-149k of this title.
- (d) Develop and put into practice the necessary means to create awareness and make known the fact that sexual harassment is prohibited at the place of study.

#### **18 L.P.R.A. § 9. Students.**

Every student in the public education system has the right to:

- (c) Receive orientation and a copy of the General Student Regulations of the Puerto Rico Public Education System and the Internal Security Regulations, with the provisions and sanctions thereof.

#### **18 L.P.R.A. § 11. Parents, tutors or guardians.**

All parents with children in the Public Education System have the right to:

- (d) Receive orientation and a copy of the General Regulations for the Students of the Puerto Rico Public Education System and the Internal Security Regulations, with the provisions and sanctions thereof.

#### **18 L.P.R.A. § 12. Non-teaching personnel.**

All non-teaching personnel working in a public system educational institution shall have the right to:

- (b) Receive information regarding their responsibilities with respect to the Crisis Management Strategic Plan for violent incidents in schools.
- (c) Be informed about their duties, and the regulations and sanctions with respect to school security.

#### **18 L.P.R.A. § 13. Department of Education.**

(a) To establish and promulgate the General Regulations for the Students of the Puerto Rico Public Education System and the Internal Security Regulations and give notice thereof by means of a copy and orientations to the parents and students of the public education system. Said regulations shall be adopted pursuant to §§ 2101 et seq. of Title 3, known as the 'Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico', and shall be filed immediately after approval thereof.

(c) To establish and promulgate the Crisis Management Strategic Plan for violent incidents in schools to give notice and copy thereof to the parents, tutors and students of the Public Education System.

**18 L.P.R.A. § 3805. Publication.**

The Department of Education in coordination with the Office of Youth Affairs shall establish the mechanisms and systems for the publication, education and a process of wide dissemination on the Students' General Statement of Rights hereby appointed. Within 30 days of the adoption of this act, the Department of Education shall notify the existence thereof, through the means of at least two of newspapers of extensive circulation for three (3) sequential days. In addition, the Department of Education shall post the aforementioned act entirely via internet on its web site. The Department of Education shall post a copy of the Students' General Statement of Rights in sight and accessible to all students, teachers, parents and other educational personnel. The Department of Education will not tolerate that the rights of the students contained in this act be restricted, thwarted or curtailed; the rights contained herein are not conclusive nor exclude any other right the legal system confers.

**REGULATIONS**

**Regulation Num. 8115. Article X. Responsibility of the School Community.**

B. At the beginning of each school year, the student and his guardian, in the case of students under twenty-one (21) years of age and not emancipated, will sign a document in which they agree to comply with the rules laid down in this Regulation. Students over 21 years of age will sign the document themselves.

## ***In-School Discipline***

### **Use of multi-tiered discipline approaches**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

##### **Regulation Num. 8115. Article IX, A. Concepts.**

5. The educational process prefers persuasion, encouragement and positive motivation before resorting to the disciplinary process.

6. The disciplinary process must be gradual, preventive, rehabilitative, educational; fair and reasonable, respecting the rights of the whole school community. Furthermore, in order to help students, first we must be attentive to less serious offenses that violate the laws, regulations, standards and guidelines, thereby avoiding having to address more serious situations in the future.

##### **Regulation Num. 8115. Article IX, D. Mediation as an alternative tool to resolve conflicts.**

###### **1. Concepts**

- a. The purpose of this method is to encourage the development and use of mediation as a means of conflict resolution as an alternative to disciplinary proceedings.
- b. This intervention is a process, not adjudicative, in which a mediator assists the parties in conflict to reach an agreement that is mutually acceptable.
- c. In mediation, the parties have the power to decide whether or not to undergo the process, so it will be voluntary.

### **Teacher authority to remove students from classrooms**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Alternatives to suspension**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

##### **Regulation Num. 8115. Article IX, A. Concepts.**

5. The educational process prefers persuasion, encouragement and positive motivation before going to the disciplinary process.

**Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.**

4. Corrective Plans and Special Conditions

d. The Secretary or his/her authorized representative may require, as a condition for a student not to be suspended, removed or expelled after the application of a formal complaints procedure, for the student to enter a rehabilitation process where he/she receives treatment from psychologists, social workers, counselors or any other person or entity who can help in their rehabilitation process.

## **Use of corporal punishment**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

**Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.**

1. Concepts

d. Corporal punishment is prohibited. Reasonable force will only be justified when it is essential to prevent bodily harm to others or to the offending student himself, as well as to avoid damages to student property. In these cases you will need to call the police, policeman, school security officer or other public official so that he may proceed to engage in corresponding charges.

## **Use of student and locker searches**

### **LAWS**

**34 L.P.R.A § 2207. Search and seizure.**

The minor will be protected against unreasonable searches, attachments and seizures. A judicial warrant authorizing a search and seizure against a minor shall only be issued when there is probable cause based on a sworn statement or declaration and specifically stating the person or place to be searched and the things to be seized.

### **REGULATIONS**

**Regulation Num. 8115. Article IX, E. Entries and searches.**

Will be carried out as a measure to guarantee a safe environment in our school campuses. These can not be performed randomly. As the authorized officials must strictly follow the procedures laid out in the present Article, to guarantee the reasonableness thereof to perform the interventions with the students.

1. Authorized officials

a. Will have legitimacy to perform the entries and searches the following officials:

- 1) The School Principal
- 2) The teacher
- 3) The school's officer
- 4) Law Enforcement Officer

2. Procedure

The authorized officials may search a student or a group of students and may consequently keep the obtained evidence, under any of the following circumstances:

- a. When a student commits the offense charged in the authorized official's presence
- b. When an offense has led to possession, carrying, distribution, or sale of arms, or of any controlled substance or chemical or device that could cause grave bodily harm and the authorized official has reasonable grounds to believe that the student in question committed it. By reasonable grounds, it will be understood that officials may intervene based on information that would lead a reasonable and prudent person to believe that the student in question has committed the offense. The student's innocence or guilt will be determined independently later.
- c. In the circumstances described in subsections (a) and (b) above, the entry has to be done immediately, in front of the student and his/her belongings, as long as these are located in an area within his/her immediate grasp.
- d. When the consent of the student is required, provided that the student is not in elementary school or does not present an impairment that limits his/her capacity to consent, consent may be given expressly or tacitly. If the student to be intervened is in an elementary school or he/she presents an impediment that limits his/her capacity to consent, consent must be provided by the parent or guardian, in an express manner, through the document that the Department of Education provides for these purposes.
- e. When the student has full view of a forbidden object, as described in Article IV, (page 9) Subsection I (6) of the present regulation. He/she may register under this disposition, provided that each of the following requirements are met:
  - 1) The object was discovered because it was in plain sight or because of perception of the authorized official, and not in the course or because of a search.
  - 2) The authorized official who observed the object had the right prior to being in the position where the object could be seen.
  - 3) The object was discovered inadvertently.
  - 4) The criminal nature of the object arose from simple observation or perception. The object can be detected through smell. If evidence is obtained as a consequence of the search realized, the student could be disciplined in accordance with the procedure provided in the present Article, in subsection F of the present regulation that is described below.

## **Other in-school disciplinary approaches**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

# ***Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements***

## **Grounds for possible suspension or expulsion**

### **LAWS**

#### **34 L.P.R.A. § 2201. Title, nature and application.**

This chapter shall be known as the "Puerto Rico Minors' Act." Its provisions shall be applicable with preference over other laws, and in case of conflict, the special principles of this chapter shall prevail.

#### **34 L.P.R.A. § 2203. Definitions**

The words and phrases used in this chapter shall mean:

- (k) Class I Offense. Conduct that if incurred by an adult would constitute a misdemeanor.
- (l) Class II Offense. Conduct that if incurred by an adult would constitute a felony, except those included in Class III offenses.
- (m) Class III Offense. Conduct that if incurred by an adult would constitute a first degree felony, except for the modality of first degree murder that is excluded from the authority of the court; second degree felony; the following felonies in the classification of third degree: manslaughter, aggravated burglary, kidnapping, theft, aggravated assault under the modality of mutilation, manslaughter; and the following offenses in special laws: distribution of controlled substances and §§ 458b, 458f, 458g, 458h and 458i of Title 25, part of the Weapons Law.

### **REGULATIONS**

#### **Regulation Num. 8115. Article IX, F. Rules and procedures for filing complaints and implementation of corrective actions.**

##### 2.b.1) Concepts

- a) This process can only be used by the Principal when:
  - (1) he knows that student performance is out of compliance with Class II or Class III in accordance with the Children Act, or if the student is to be tried as an adult or is involved in an act that is establishing serious criminal offense, or
  - (2) when the Principal has grounds to believe that a student may be an actual or imminent harm to another student or other persons or school property.

#### **Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.**

##### 3.a) Corrective or Disciplinary Methods for Informal Complaints

The Principal shall have power to impose the following corrective or disciplinary measures:

- 6) Suspension of one (1) to fifteen (15) school days.

##### 3.b) Corrective or Disciplinary Methods for Formal Complaints

The Secretary of Education, or his authorized representative, shall have power to impose any disciplinary or corrective measures for which the Principal is authorized, plus those described below:

- 4) Expulsion - permanent separation of the Public Education System.

##### 5.a.3. Misbehavior Against Institutional Order



- a. Impeding or limiting other students from completing their homework- all students who obstruct or impede other students from doing their school work will incur this violation
- c. Challenge Authority - a student is in violation if they disobey a directive or direct order for lawful purposes and that has been issued by a person with authority to do so.
- j. Mutiny - It is a violation when two or more students working together, without legal authorization, make use of force and violence to disturb the institutional peace or threaten to use force or violence accompanied by the ability to do it.

#### 5.a.5. Corporal Offense

- a. Assault- Assault - anyone who employs force or violence against another person to do harm.
- b. Mutilation - any student who illegally and maliciously deprives or disables and disfigures a person or a body part.

## Grounds for mandatory suspension or expulsion

### LAWS

No relevant laws found.

### REGULATIONS

No relevant regulations found.

## Limitations, conditions or exclusions for use of suspension and expulsion

### LAWS

#### **18 L.P.R.A. § 3802. Students' general statement of rights.**

Every person has a constitutional right to be educated. Education is provided by the state for all the students of the Public System of Education of Puerto Rico at no cost to the parents or to the student. Education at the elementary and secondary levels is compulsory. Equal protection of the laws and rights conferred to all students is guaranteed under the Constitution of the United States of America, of federal laws, of the Constitution of Puerto Rico and further provision of laws, regulations and ordinances applicable. The students will be entitled, but not limited to, the foregoing rights:

6. Freedom of Speech. Every student has a right to express opinions as well as to disagree with the opinions of teachers and school personnel, in an orderly and respectful manner. School authorities will assign and condition spaces or areas where students can place notices and expressions on whatever school issue or matter, if complying with the norms established in the current Student's General Statement of Rights of the Department of Education of Puerto Rico. Under no circumstances will it be permitted that the structure and order established in the classroom and school campus or premises be altered.

(A) A public school, by itself or by employees or third parties is not permitted to punish, retaliate, act in reprisals or result in disciplinary measures or discriminatory practices against a student who decides to participate in military activities or courses, paramilitary and/or or quasi-military activities approved by the State Government, Federal Government or by educational entities.

## REGULATIONS

### **Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.**

#### 2) Provisional Methods that May be Utilized Before Imposing Disciplinary Methods

b. Short Suspension: The Principal may use this measure when circumstances are deemed appropriate for filing grievances. In which case, it shall comply strictly with the provisions of this Article stated in the section on the formal complaints procedure.

#### 3) Corrective or Disciplinary Methods

b. The Secretary of Education, or his authorized representative, shall have power to impose any disciplinary or corrective measures for which the Principal is authorized, plus those described below:

- 1) Suspension for a period longer than fifteen (15) school days.
- 2) Suspension conditional until the student complies with its obligations under the circumstances imposed by the Secretary.
- 3) Permanently transfer student to a different school, district, or alternative school.
- 4) Expulsion - permanent separation of the Public Education System.

For serious circumstances it may increase to a defined term suspension.

## **Administrative procedures related to suspension and expulsion**

## LAWS

### **18 L.P.R.A. § 3802. Students' general statement of rights.**

Every person has a constitutional right to be educated. Education is provided by the state for all the students of the Public System of Education of Puerto Rico at no cost to the parents or to the student. Education at the elementary and secondary levels is compulsory. Equal protection of the laws and rights conferred to all students is guaranteed under the Constitution of the United States of America, of federal laws, of the Constitution of Puerto Rico and further provision of laws, regulations and ordinances applicable. The students will be entitled, but not limited to, the foregoing rights:

13. Disciplinary Proceedings. Concerning the disciplinary process, the student has a right to a due process of law. Disciplinary proceedings must comply with the current General School Regulation for Students of the Department of Education of Puerto Rico. As part of the due process of law, students will be granted the following rights:

- (a) To be notified of the offense committed and the penalties that can be imposed. The parents and/or legal guardians of the student will be notified; those students legally of age will be directly notified.
- (b) To be heard and listened to before being sanctioned.
- (c) To be judged by an impartial and competent authority.
- (d) To be instructed on the General School Regulations for Students of the Department of Education of Puerto Rico, a public document attainable and accessible to all students.

## REGULATIONS

### **Regulation Num. 8115. Article IX, F. Rules and procedures for filing complaints and implementation of corrective actions.**

#### 2.b.1) Concepts

b. Before making any decision effective, the Principal must immediately communicate with the Legal Division of the Department of Education's Central Level to make a consultation in regards to the formal complaint.

#### 2.b.2) Procedure for Formal Complaints

b. The Principal must communicate with the student and charge him with suspension in writing. Notwithstanding the foregoing, the Principal will be responsible for providing educational alternatives for students to not fall behind in the learning process.

## **In-school suspension**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Return to school following removal**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Use of restraint and seclusion**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Alternative placements**

### **LAWS**

#### **18 L.P.R.A. § 13 Department of Education**

(k) The Department of Education shall use alternative educational environments for those students who have faced school violence problems so as to guarantee a safe school community.

#### **18 L.P.R.A. § 3811. Statement of public policy.**

The Legislative Assembly of Puerto Rico recognizes there is an urgent need to encourage support for successful models of alternative education in order to address, in an integrated manner, specific cognitive, academic and bio-psychological- social needs, together with the vocational and entrepreneurial needs of both children and the population of young people who are out of school or are at a high risk of becoming potential school deserters.

The goal of alternative education is to foster potential productive entrepreneur citizens with high academic, community and leadership skills committed to their personal development and that of their families and communities.

As the aforementioned, the Legislative Assembly of Puerto Rico resolves and states that alternative education in Puerto Rico must be ruled by the following principles:

- (a) All children and the population of young people hold the right to an education of higher quality.
- (b) Children and young people as school deserters and those at a high risk of becoming school deserters represent a population with a high potential of human development which requires education tailored to social-economic and educational characteristics and to their distinct interests.
- (c) Considering the high incidence of students out of school and the high risk potential of school desertion, alternative education is considered a pedagogical tendency within the mainstream
- (d) Alternative education for children and adolescents and/or young people out of school or at a potential high risk of school desertion, must be characterized by the attention given to this population, by encouraging space for participation, academic preparation, physical fitness and sports abilities, self-confidence in their abilities, discipline, respect for human dignity, opportunities for exploration and development of their talents, including artistic expressions plus technological and occupational training which provides the tools to enhance self-management.
- (e) The state recognizes the benefits of its alliance and partnership with the municipalities of Puerto Rico and the consortiums, with the governmental and non-governmental not-for-profit organizations, with non-profit higher education institutions, both governmental and private and on promoting joint strategies, their contribution to a better quality of life conditions in Puerto Rico. The relationship between the government and the institutions and organizations aforementioned should be one of an alliance among all three sharing the principles stated in this Act in order to mainstream the resources that promote conditions that ensure the continuity of the services provided.
- (f) Children and the population of young people out of school and with a potential of high risk of school desertion require that the models of education presented be varied and of proven effectiveness to satisfy the needs and distinct characteristics of this population.
- (g) For the purposes of addressing the needs and distinct interests of both the population of children and young people, the organizations of alternative education enjoy managerial, operational and curricular autonomy and flexibility, in compliance with its objectives and educational model, but subject to the compliance with the benchmarks and requirements stated in this Act akin to the regulations adopted for thereunder. Furthermore, total compliance with the licensing requirements disclosed by the Board of Education of Puerto Rico, in agreement with the Reorganization Plan No.1 of July 26, 2010 as amended.

Likewise, and taking into consideration that current educational trends are not subject to unyielding regulation which hinders what should be a natural progression, we pursue that the alternative model of education transforms into one that embraces, and comprehensively focuses on the distinct interests and needs of the talented students of Puerto Rico in forthright solidarity. Whether by means of creating specific educational centers or the establishment of collaborative agreements among extant institutions in association with related organizations with expertise and proven experience, we are of the opinion this to be the logical step to take once our trust placed on this educational model advances.

#### **18 L.P.R.A. § 3812. Objectives.**

This chapter has the following objectives:

- (1) Recognize the alternative education as an education tendency within the educational system of Puerto Rico;

- (2) Establish a structure with a clear and efficient legal framework to ensure the quality of alternative education offered in Puerto Rico, as well as the availability of funds
- (3) Validate educational services that take into consideration the developmental stage characteristics of the children and youth that are not served by the regular classes and who are out of school or have potentially high risk of dropping out, so that through alternative education they can optimally develop their potential, knowledge, attitudes and skills;
- (4) Promote the formation and support the process of career training, entrepreneurship or business training of the participants, based on the needs and expectations of business and employment of the population, their qualified insertion in the changing labor market and their ability to self-manage, prioritizing those actions aimed at social and economic advancement and citizen participation of students;
- (5) Establish quality standards and accountability mechanisms for alternative education institutions through the auditing of the use of funds for the intended purposes and the achievement of concrete results;
- (6) Contribute to the documentation of effective alternative education practices, thus contributing to the improvement of the education system in general and
- (7) Promote the collection of historical data and relevant statistics of individual participants in alternative education programs for the benefit of the educational system of Puerto Rico.

**18 L.P.R.A. § 3813. Definitions.**

As a guide for the purposes of this chapter the following terms will be defined as follows:

- (a) Alliance. It refers to “The Alliance for Alternative Education, Inc.”.
- (b) High Risk. Students whose profile reflects one or more of the indicators below and have not rendered progress after the interventions carried out by the Department of Education of Puerto Rico:
  - (1) Academic courses do not address the demands of both the needs and interests of the students, therefore not pertinent nor relevant to the students.
  - (2) Academic underachievement at low performing schools at the elementary, Intermediate and High School levels.
  - (3) Frequent repetition of grades due to school failure at the Elementary, Intermediate and High School levels.
  - (4) Low expectations for students regarding level of schooling.
  - (5) Unruly behavior in and out of school such as absenteeism, delinquency, drug abuse, and alcohol among other factors.
  - (6) Economic disadvantage.
  - (7) A working session of more than 20 hours a week.
  - (8) Teen-age Parenthood.
  - (9) Family Problems.
  - (10) Stressful events such as changes in family structures.
  - (11) Family practices, such as low educational expectations for children, lack of monitoring and supervision.
  - (12) Gifted/Talented Students.
  - (13) Parents who did not complete high school and/or siblings out of school.
  - (14) Whatever other indicator identified by the Commission of Alternative Education.

(c) The Commission of Alternative Education. This entity is composed of seven people and would perform as an oversight and sanctioning body to the public policies of alternative education in Puerto Rico.

(d) Alternative Education. An educational tendency aimed at the population of children and young people out of school and at a potentially high risk of school desertion. It addresses the children's integrated overall development, the particular distinct interests, meets their needs and the levels of development in the cognitive, academic bio-psycho-social field, academic, vocational, and business field promoting values and the optimal development of these potentials.

(e) Alternate education institutions. Educational centers and/or basic level schools, with corresponding institutional units, whether newly created or existing, from the governmental or nongovernmental sector, offering alternative education programs in Puerto Rico. These entities have to account for the use of state funds, produce measurable results according to established indicators and metrics, which should be developed under quantitative and qualitative approaches, and comply with applicable laws and regulations.

(f) Entrepreneurship. The ability to create self management opportunities to earn personal and family sustenance by themselves, through legitimate and constructive effort. Also, it includes developing community leadership to promote and achieve a better quality of life in their environment, assume positions and participate in the struggle to achieve a just and democratic society, as part of the existential agenda and social activism.

(g) Population served. It refers to people up to age 21 who are out of school or at high risk of dropping out.

(h) CASA Project. Center for the Sustainable Support of Students (CASA, for its Spanish acronym), ascribed to the Department of Education of Puerto Rico.

(i) Educational System of Puerto Rico. It includes the private and public education systems of Puerto Rico.

#### **18 L.P.R.A. § 3816. Functions and duties of entities of alternate education.**

In order to implement public policy for alternate education in Puerto Rico, to guarantee the highest levels of quality and to promote the development of alternate education, these institutions perform the following functions:

(a) Promote the development of alternate education, certain that the models and programs utilized to impart alternate education are consonant to the objectives of public policy established in this Act and certified by the Commission.

(b) Submit reports to the Custodian Agency and to the Commission as stated in Article 11 of this Law.

(c) Submit reports on the utilization and the results of whichever funds, donations or public or private assignments received designated to alternate education as established in this Act.

(d) Collaborate with the Department of Education on promoting school retention and by implementing effective teaching practices and effective models to improve and better the system of education in general.

(e) Comply with the requirements and rules adopted by the Commission regarding alternate education in Puerto Rico.

(f) Promote collaborative endorsements with the municipalities or municipal consortiums in Puerto Rico and governmental or non-governmental organizations so as to expand services.

(g) The institutions of alternate education operating under the provisions of this Act are subject to inspection and audits conducted by the Office of the Comptroller of Puerto Rico.

**18 L.P.R.A. § 3817. Functions and powers of the Department of Education.**

The Department of Education displays the following functions and powers:

- (a) To be part of the Commission by the Secretary of Education or the person designated to represent the Secretary permanently.
- (b) To establish the necessary agreements with the Commission to implement the provisions of this Act. The aforementioned agreements shall be formalized in a term not exceeding one hundred twenty (days) from the date on which the first constituent meeting of the Commission is held.
- (c) To receive and evaluate the financial reports of the alternate education institutions and manage semi-annual disbursements as the Custodian of the budget allocation contained in this act.
- (d) To refer to the Commission students potentially at high risk of school desertion in accordance to the regulations adopted by each entity for these purposes.
- (e) To authorize endorsements or cooperative agreements with the Federal or State Government; the agencies, municipalities, municipal consortiums, individual or entity, whether governmental or non-governmental, to enhance administrative and academic improvements in the system of public education in Puerto Rico.
- (f) Whichever usage in accordance to the objectives of this Act.

**18 L.P.R.A. § 3818. Funds for alternative education in Puerto Rico.**

To fulfill the purposes of this chapter, twelve million dollars (\$ 12,000,000) will be allocated to the Alliance for Alternative Education, Inc., starting on fiscal year 2012-2013. The Alliance should use part of this budget for professional development programs for its staff and to establish a student information system, in accordance with the provisions of sec. 3815 of this title. If there is any surplus in the budget allocated, it may be used in subsequent fiscal years for purposes associated to this chapter.

This assignment will be recurrently granted to the Alliance, but the Department of Education will be the custodian. This means that funds will be received by the Department of Education to be paid semiannually to the Alliance for Alternative Education Inc., upon presentation of financial reports, as referred to on sec. 3817 (c) of this title.

In addition, the amount of seven million dollars (\$ 7,000,000) for the operation of the Project C.A.S.A. be allocated annually in the budget of the Department of Education. If there is any surplus in the assigned budget, it may be used in subsequent fiscal years for purposes associated to this chapter.

The Treasury Department [of Puerto Rico] will deduct one percent (1%) of the budget allocated in this chapter, from the Alliance and Project CASA, and forward it to the Board of Education of Puerto Rico to defray the operating costs of the Commission of Alternative Education.

**18 L.P.R.A. § 3819. Permitted uses for the allocations made to institutions of alternative education.**

The funds provided by this chapter, shall be used for participating alternative education institutions for the following:

- (a) Distribution of funds, through subsidy or allocation per student, to organizations that have demonstrated effectiveness in the continuity of the implementation and development of alternative education programs.
- (b) Grants for creating new programs or strengthening newly established programs.
- (c) Grants or contracts for technical assistance and training related to alternative education.
- (d) Grants or contracts to implement outreach strategies for the public to understand the concept of alternative education.

- (e) Grants or contracts for external evaluations, investigations and studies which contribute to the documentation and collection of statistics on alternative education.
- (f) Promotion and cultivation of relationships with systems and alternative education institutions in other states of the United States and other countries.
- (g) Procurement of resources to raise additional funds for alternative education in Puerto Rico.
- (h) Administrative and / or operational costs required for the implementation of this chapter.

**18 L.P.R.A. § 3820. Reports.**

The institutions of alternate education will submit annual reports to the Commission of Alternate Education, likewise, the Commission will prepare an annual report on the information received regarding procedures and the utilization of funds granted under the provisions herein, which will be submitted to the Governor and the Legislative Assembly of Puerto Rico. As of the foundation of the Commission, thereafter, the institutions of alternate education will be requested by the Commission to submit an initial report on procedures and the utilization of funds. Subsequently, an annual report must be submitted on or before September 30 yearly on these matters.

The Commission may request of the institutions of alternate education whichever special report deemed necessary provided it is requested fifteen (15) days in advance.

**REGULATIONS**

**Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.**

2) Provisional Methods that may be utilized before Disciplinary Measures

- a. Preventive transfer from one group to another within the same school: The Principal may use this resource for a short period of time, when a student's stay with your group is deemed an imminent danger, immediately initiating regular procedure for informal complaints described in Section F of this Article.



## ***Disciplinary Approaches Addressing Specific Infractions and Conditions***

### **Firearms (as required by the Gun-Free Schools Act)**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

##### **Regulation Num. 8115. Article IX, E. Entries and searches.**

Will be carried out as a measure to guarantee a safe environment in our school campuses. These can not be performed randomly. As the authorized officials must strictly follow the procedures laid out in the present Article, to guarantee the reasonableness thereof to perform the interventions with the students. [...]

##### **2. Procedure**

The authorized officials may search a student or a group of students and may consequently keep the obtained evidence, under any of the following circumstances:

[...] b. When an offense has led to possession, carrying, distribution, or sale of arms, or of any controlled substance or chemical or device that could cause grave bodily harm and the authorized official has reasonable grounds to believe that the student in question committed it. By reasonable grounds, it will be understood that officials may intervene based on information that would lead a reasonable and prudent person to believe that the student in question has committed the offense. The student's innocence or guilt will be determined independently later.

##### **Regulation Num. 8115. Article IX, G Infractions and Corrective or Disciplinary Measures.**

##### **5.a.3) Offenses Against the Institutional Order .**

i) Alteration to Peace - any student who voluntarily conducts any of the following acts:

(3) Carry, remove, or display any weapon, firearm, or object intended to attack that could cause harm to others or school property. It will be aggravated if done violently, angry or threatening.

(4) Use or threaten with a knife, fire, or object intended to attack or defend that could cause harm to others or school property in a fight. Student is deemed an aggressor if it is done in violent behavior, angry or threatening manner

(5) [...] If found to have committed this offense the student is liable for suspension of a period not exceeding six (6) to ten (10) school days. Given extenuating circumstances, the sanction could be reduced to a suspension for a period of one (1) to five (5) days. If aggravating circumstances, the sanction may be increased to suspension for a period of eleven (11) to fifteen (15) school days.

l) Possessing introducing, transporting, selling, exchanging, giving away or distributing weapons, fire, materials, equipment or articles intended to attack, for defense, or cause damage - a student guilty of this violations is one who possesses, enters, transports, sells, trades, gives away or distributes weapons, fire, materials, equipment or articles intended to attack or for defense, which includes, but not limited to guns, "pellet" guns, paintball guns, brass knuckles, exaggerated chains or necklaces on school grounds, a hundred meters around the school, school activities, at any branch of the Department of Education or the means of transportation provided by the Department of Education.

## Other weapons

### LAWS

#### **18 L.P.R.A. § 3802. Students' general statement of rights.**

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#### 10. The Right to a Gratuitous and Secure Education

(b) The students shall have the right to a secure and safe school environment; drug and weapon free, exempt from whatever attack to their physical, mental and emotional integrity.

### REGULATIONS

#### **Regulation Num. 8115. Article IX, G Infractions and Corrective or Disciplinary Measures.**

5.a.3) Offenses Against the Institutional Order.

i.(4) A student is in violation of the rules if they voluntarily use or threaten with a knife, fire, or object intended to attack or defend that could cause harm to others or school property. Student is deemed an aggressor if it is done in violent behavior, angry or threatening manner

If found to have committed this offense the student is liable for suspension of a period not exceeding six (6) to ten (10) school days. Given extenuating circumstances, the sanction could be reduced to a suspension for a period of one (1) to five (5) days. If aggravating circumstances, the sanction may be increased to suspension for a period of eleven (11) to fifteen (15) school days.

## Students with chronic disciplinary issues

### LAWS

No relevant laws found.

### REGULATIONS

#### **Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.**

5.a.1) Offenses against the Duties and Responsibilities of Students

a) Provided they are non-recurring, the following shall be considered health situations: pregnancy, hospitalization, court hearing, administrative hearing, death of a close family member, emergency at home, in addition to any other situation that the Principal deems reasonable. Pattern-truancy is considered when any student fails to report to school or school activities without good cause provided in writing from his guardian. It is to be considered an aggravating circumstance if it occurs more than three consecutive times during the school year. If a student is found to have committed this offense they are liable for a written reprimand. Given any extenuating circumstances, the sanction may be reduced to a verbal warning. If aggravating circumstances, the sanction may be increased to suspension defined term.

# Attendance and truancy

## LAWS

### **18 L.P.R.A. § 3802. Students' general statement of rights.**

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3. Parents shall have the right and the obligation to be informed of their children's school achievement and the responsibility to ensure regular attendance of their children to school.

### **18 L.P.R.A. § 3803. Duties and responsibilities of students, parents and/or tutors and school authorities.**

2. Students will attend classes timely and regularly and will observe a proper and dignified behavior during the school schedule as well as at recess and other school activities, whether the activity takes place at the school premises or outside the premises.

6. Parents and/or legal guardians or tutors will hold the responsibility to assure timely and regular attendance of non-emancipated minors to school and will notify the school authorities whatever circumstance that prevents their children from attending school.

9. If a student were absent for three sequential days without a justification, the school authorities hold the responsibility to contact parents and/or legal guardians or tutors of the student to determine the cause of the absence to school.

## REGULATIONS

### **Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.**

5.a.1) Offenses against the Duties and Responsibilities of Students

- a) Pattern-truancy is considered when any student fails to report to school or school activities without good cause provided in writing from his guardian. It is to be considered an aggravating circumstance if it occurs more than three consecutive times during the school year. If a student is found to have committed this offense they are liable for a written reprimand. Given any extenuating circumstances, the sanction may be reduced to a verbal warning. If aggravating circumstances, the sanction may be increased to suspension defined term.

### **Regulation Num. 8502. Article III. Definitions.**

For the purposes of this regulation, the following terms and phrases shall have the definitions set forth below:

1. Unjustified Absences: This occurs when a student is absent from school or a school activity without a justified reason, as a parent, guardian, or custodian has not justified the absence in writing within 5 days.
2. Regular Absences: occurs when a student is absent from school or a school activity for more than 2 non-consecutive days a week.
3. Justified Absences and Tardiness: action consists of being absent from school for reasons of: health, pregnancy, hospitalization, court hearing, administrative hearing, death of a relative within the fourth

degree of consanguinity or second degree of affinity, home emergency, as long as these situations are not recurrent, and any other situation that the director considers reasonable. The student shall submit the appropriate certification or excuse to justify his or her absence or tardiness. For example, medical certification, certification of hospitalization, death certificate, certification of appearance in court, among others. Excused absences or tardiness become suspicious when they occur in three (3) or more occasions in one school month for a term of three (3) or more consecutive months. In the case described above, the teacher should begin the procedure laid down in Article 4. 3. A.

4. Valid reason for absences in a class: when authorized officer requires the student to remain in another class, in an official school activity or appointment, in which case the school official will provide a written excuse to student before the teacher from course that the student will miss.

5. Cutting class: time a student is absent without justified cause to any of the courses in which her or she are enrolled.

6. Pattern of unexcused absences: When a student accumulates ten (10) or more unexcused absences or cutting class during the school year.

7. Support Personnel: refers to the social worker or school counselor who serves as facilitators in the school community.

8. Behavior problems: those aspects of attitudinal or of behavior that a student presents with measurable frequency, duration, and intensity that interrupt the processes in a classroom or within the context of the campus and that are related to biopsychosocial problems.

9. Discipline problems: those attitudinal aspects that disrupt the processes in a classroom or within the context of the campus, that violate the norms, rules, and institutional order, which alters the student-teacher relationship and affects performance of both the student and the teacher.

10. Program of Interdisciplinary Services for School Coexistence (SICE in Spanish): program for students that demonstrate behavioral problems as a pattern of antisocial behavior, violate institutional rules, challenge authority, exhibit aggressive behavior, or are at risk of leave school, among others. This referral is made after the school has exhausted all institutional efforts.

#### **Regulation Num. 8502. Article IV. Procedure.**

1. Teachers will follow the guidelines provided in Circular Letter 16-2013-2014, or the current circular letter, that establishes the procedure to be followed in implementing school retention norms of the Department of Education.

2. The school principal shall require teachers to keep a daily record of the students enrolled in the course and supervise the maintenance of this daily record of student attendance.

3. Next, the actions to follow according to the pattern of unjustified absences by the student.

A. 2 to 4 days

Responsible Person: Teacher

1. Notify the school principal and support staff on the student's unjustified absences.

2. Will carry out an investigation in which the teacher will consult with the team of teachers to check if the student's behavior is repetitive in other classes and, if deemed appropriate, will interview collaterals.

3. Contact the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email, or written notice, among others, to inform of the unjustified absences and discuss the causes, if any, of them.

4. Will meet and discuss with the student alternatives to avoid incurring unjustified absences.

B. 5 to 9 days

Responsible Person: Teacher - Social Worker - School Counselor

1. The teacher will notify the unjustified absences in writing to the school principal and support staff.
2. The support staff will conduct an investigation in which he or she shall consult the team of teachers to see if the behavior is repetitive in their other classes and, if deemed appropriate, interview collaterals.
3. The support staff will contact the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to coordinate an orientation meeting.
4. If necessary, the support staff will visit the student's home and report the findings to the school principal and the teacher that refers the situation.
5. The support staff will discuss with the parent, custodian, or guardian and the student the causes that have incurred in this pattern of absences, the alternatives to suspend this pattern of absences and ensure school attendance.
6. As a result of the discussion, support staff, parents, custodian, or guardian and the student will prepare a plan of action to prevent the child's unjustified absences to school. The Intervention Plan Agreement will be signed by the support staff, the parents, guardian or custodian, and the student. Document C, Intervention Plan Agreement, located at the end of this Regulation shall be used for this agreement between the parties.
7. In addition, the support staff will ensure to orient the parent, guardian or custodian of the student on the administrative and legal consequences that may occur in the case of non-compliance with the Intervention Plan Agreement.
8. Similarly, the support staff will provide parents, guardians, or custodians a copy of Section 1.03 of the Law 149-1999, as amended, which provides that school attendance is compulsory and the corresponding actions regarding non-compliance with that Article.
9. Also, the support staff will ensure guidance to parents, guardians and custodians about Article IV subsection (c) and (d) of Regulation 8115 of December 8, 2011, known as General Student Regulations for the System of Education of Puerto Rico, and the public policy regarding the active integration of parents and guardians in the educational process in the schools of the Department of Education.

C. 10 days or more of incurring unjustified absences or cutting class

Responsible Person: Teacher - Social Worker - School Counselor - School Director

1. The teacher will inform in writing to the school principal and support staff on the pattern of unjustified absences by the student.
2. The support staff or the school principal will contact the parent, guardian or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to inform the pattern absences and arrange a meeting if necessary.
3. The support staff or the school principal will refer, if necessary, the case to the Program of Interdisciplinary Services for School Coexistence (SICE) of educational region to which it belongs. This action will be taken once all the institutional remedies have been exhausted.
4. The school principal shall report in writing and refer to the corresponding social welfare agencies and the Prosecutor of the Department of Justice those parents, guardians, and custodians who fail to comply with the Intervention Plan Agreement. This process will be done in accordance with the table entitled "Notification of the Agencies."
5. The school principal shall inform the Juvenile Court when students participate in any judicial program (as diversion or dispositive).

4. In the case that the school doesn't have support staff assigned, in line with the steps set out in the table above and according to the number of absences by the student, the school principal shall be responsible for performing all procedures delegated to the support staff.
5. The teacher will be responsible for registering in the Student Information System (SIE) the student has accumulated ten (10) or more unjustified absences or cuts of classes during the school year.
6. In addition, the school principal will register in the SIE relevant information regarding the referral done to the SICE, the social welfare agencies, or the Department of Justice.
7. The school principal will generate a report at the end of each school year about students who incurred in a pattern of unjustified absences and about the cases that were referred to the social welfare agencies and the Department of Justice. This report shall be sent to the Assistant Secretary of Student Support Services.
8. Notice to social welfare agencies and the Department of Justice will be done to the following offices:
  - Agency: Family Department (DF)
  - Legal Justification: Law 246-2011, Article 3, subsection (z), Article 5, subsection (7)
  - Place of Referral: Central Office of the DF
  - Program Office: Protection of Minors
  - Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
  - Place of Referral: Central Office of the DF
  - Program Office: Nutritional Assistance Program (PAN)
  - Agency: Public Housing Administration
  - Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
  - Place of Referral: Central Office of Housing
  - Program Office: Public Housing
  - Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
  - Place of Referral: Central Office of Housing
  - Program Office: Housing with Subsidy
  - Agency: Justice Department
  - Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
  - Place of Referral: Judicial Region where the facts occurred
  - Program Office: Prosecutor of the Judicial Region
9. Failure to comply with the provisions of this regulation by the Education Department officials will lead to a disciplinary process under the provisions established by the laws and regulations applicable to the Agency and the State.
10. Article 3.06 of the Law 22-2000, as amended, known as the "Vehicle and Traffic Law of Puerto Rico" provides that a person over sixteen (16) years but less than eighteen (18) years must meet the requirement of compulsory school attendance, as established by Law 149-1999. The Department of Transportation and Public Works may deny the issuance of the learner's permit or driving license to drive motor vehicles to the student who does not meet the requirement in this subsection.

## Substance use

### LAWS

#### **18 L.P.R.A. § 3802. Students' general statement of rights.**

Every person has a constitutional right to be educated. Education is provided by the state for all the students of the Public System of Education of Puerto Rico at no cost to the parents or to the student. Education at the elementary and secondary levels is compulsory. Equal protection of the laws and rights conferred to all students is guaranteed under the Constitution of the United States of America, of federal laws, of the Constitution of Puerto Rico and further provision of laws, regulations and ordinances applicable. The students will be entitled, but not limited to, the foregoing rights:

#### 10. The Right to a Gratuitous and Secure Education

- (b) The students shall have the right to a secure and safe school environment; drug and weapon free, exempt from whatever attack to their physical, mental and emotional integrity.

### REGULATIONS

#### **Regulation Num. 8115. Article IV. Student Duties and Obligations.**

##### I. Norms

6. It is prohibited for students to possess, transport, carry, or use knives, guns, explosives, sharp objects, any object meant to attack or defend oneself, including but not limited to “pellet” guns, paintball guns, brass knuckles, exaggerated chains or necklaces, drugs, alcoholic beverages, cigarettes, pipes, tobacco, CDs or cassettes with obscene content, or any object or substance prohibited or illegal within school grounds. The student should know that if there are grounds to believe that he or any other student is carrying any of these, he will be searched followed the establish procedure in Article IX, section E.

#### **Regulation Num. 8115. Article IX, E. Entries and searches.**

Will be carried out as a measure to guarantee a safe environment in our school campuses. These can not be performed randomly. As the authorized officials must strictly follow the procedures laid out in the present Article, to guarantee the reasonableness thereof to perform the interventions with the students. [...]

##### 2. Procedure

- a. The authorized officials may search a student or a group of students and may consequently keep the obtained evidence, under any of the following circumstances:
- b. When an offense has led to possession, carrying, distribution, or sale of arms, or of any controlled substance or chemical or device that could cause grave bodily harm and the authorized official has reasonable grounds to believe that the student in question committed it. By reasonable grounds, it will be understood that officials may intervene based on information that would lead a reasonable and prudent person to believe that the student in question has committed the offense. The student's innocence or guilt will be determined independently later.

## Bullying, harassment, or hazing

### LAWS

#### **3 L.P.R.A. § 149. Prohibition of sexual harassment in learning institutions.**

Sexual harassment of students in the learning institutions of Puerto Rico is hereby prohibited.

### **3 L.P.R.A. § 149a. Public policy.**

It is the public policy of the Commonwealth of Puerto Rico to ensure that the students have the right to pursue their studies free from the pressure of sexual harassment in the learning institutions of Puerto Rico. Provided, That the regulatory bodies shall have the responsibility to oversee to the adoption of the public policy on sexual harassment in learning institutions and that the same is available, in a visible form, in said institutions.

### **3 L.P.R.A. § 149b. Definitions.**

For the purposes of §§ 149-149k of this title, the following terms shall have the meaning stated hereinbelow, except when otherwise clearly indicated in the context:

- (a) Student. Means any person who pursues studies at a learning institution.
- (b) Learning institution. Means any elementary school, junior or senior high school, university, institute, vocational or technical school, be they private or public, recognized or not by the regulatory bodies, which offer study programs or skills for children, youths or adults in Puerto Rico.
- (c) Teaching personnel. Means school directors and superintendents, supervisors, agents, teachers and teaching personnel working in and directly related to the non-profit or profitable teaching institution.
- (d) Non-teaching personnel. Means maintenance, office, school lunchroom, administrative employees and others who, even though they do not perform work directly related to the learning institution, offer support services for the operation of the school or educational institution.
- (e) Regulatory bodies. Mean the Department of Education, the Council on Higher Education and the General Council on Education; public or private school bodies or boards which regulate the learning institutions.
- (f) Secretary. Means the Secretary of Education.
- (g) Government. Means the Commonwealth of Puerto Rico.
- (h) Person. Means a natural or juridical person.

### **3 L.P.R.A. § 149c. Conduct consisting of sexual harassment.**

Sexual harassment in the learning institutions consists of any type of unwanted behavior or explicit or implicit sexual approach manifested towards any student of the institution incurred by a school director or superintendent, supervisor, agent, student or person not employed by the institution, teacher or teaching or non-teaching employee of the institution.

Unwanted sexual harassment shall be deemed to consist of demanding sexual favors and indulging in any other explicit or implicit, verbal or physical behavior of a sexual nature towards a student when one or more of the following circumstances exist:

- (a) When the effect or purpose of such unwanted behavior or approach is to intimidate or threaten the student or unreasonably interfere in the pursuit of his/her studies or when it creates an intimidating, hostile or offensive study environment.
- (b) When submitting to or rejecting said undesired unwanted behavior or approach becomes the basis for a person to make any decision regarding any aspect of his/her studies.
- (c) When submitting to said undesired behavior or approach implicitly or explicitly becomes a condition for remaining at the learning institution.

### **3 L.P.R.A. § 149d. Totality of circumstances.**

In order to determine whether the alleged undesired behavior or approach constitutes sexual harassment, the [totality] of the circumstances surrounding the facts of the case shall be taken into consideration.



**3 L.P.R.A. § 149e. Responsibility of learning institution in cases of sexual harassment.**

The learning institution shall be liable for the actions of their teaching and non-teaching personnel that incur sexual harassment of their students, regardless of whether the specific acts subject to controversy were prohibited or not by the learning institution or regardless of whether the institution and its teaching and non-teaching personnel was or should have been aware of the prohibition against said behavior.

**3 L.P.R.A. § 149f. Responsibility of harassment among students.**

The learning institution shall be liable for the acts of sexual harassment among students, at the place of studies, if the institution and/or its teaching or non-teaching personnel were aware or should have been aware of said behavior, unless the institution proves that it took immediate and proper action to correct the situation.

**3 L.P.R.A. § 149g. Responsibility of place of studies by persons not employed.**

The learning institution shall be liable for the acts of sexual harassment perpetrated at the place of studies by persons not employed by it, if the institution and/or its teaching or non-teaching personnel were aware or should have been aware of said behavior, and failed to take immediate and appropriate action to correct the situation. For the purposes of this section the amount of control which the institution may have regarding the behavior of persons not employed by it shall be taken into, consideration.

**3 L.P.R.A. § 149h. Obligation of learning institution in place of studies**

Every learning institution is under the obligation of maintaining the place of studies free from sexual harassment and intimidation and shall clearly explain its policy against sexual harassment to the students and the teaching and non-teaching personnel. It shall guarantee that its students shall be able to study in a safe and dignified environment. In compliance with the obligation imposed on the learning institution to prevent, discourage and avoid sexual harassment at the place of study, the learning institution should take the measures it may deem convenient and necessary to achieve this purpose, including, but not limited to:

- (a) Clearly explain to, the students and the teaching and non-teaching personnel that the institution follows an active policy against sexual harassment in the place of study.
- (b) Draft regulations stating the responsibilities, procedures and penalties that shall apply at the place of study to, handle sexual harassment complaints as well as those that may arise as a result of frivolous allegations from unscrupulous students or persons.
- (c) Divulge throughout the institution the rights and protection conferred and granted to the students by §§ 149-149k of this title.
- (d) Develop and put into practice the necessary means to create awareness and make known the fact that sexual harassment is prohibited at the place of study.

**3 L.P.R.A. § 149i. Responsibility of institution with relation to personnel, to students or any other person.**

Every learning institution shall be liable for the acts of sexual harassment incurred by the students, persons not employed by it and the teaching and non teaching personnel, as these are defined in §§ 149-149k of this title, and once the fact has been established, it shall incur civil liability for an amount which shall never be less that five thousand dollars (\$5,000), plus all monetary damages, costs, expenses and fees incurred by the student or his/her legal representative or guardian.

Concerning civil judgments or those judgments pronounced by virtue of the provisions of §§ 149-149k of this title, the Court of First Instance shall direct the learning institution to cease or desist of any act which

may be prejudicial to the student and reinstate him/her in his/her studies and shall furthermore caution the institution to the fact that it may incur criminal contempt should it fail to comply with its order.

**3 L.P.R.A. § 149j. Rights and remedies of students.**

The student aggrieved by the sexual harassment acts perpetrated by students, persons not employed by the institution or teaching or non-teaching personnel of the institution shall have the following rights and remedies, including, but not limited to:

- (a) To be compensated for damages.
- (b) To be reinstated in his/her studies.
- (c) To file a complaint with the institution.
- (d) To file a civil suit with the Court of First Instance and petition for an injunction or an order to cease and desist.

In order to initiate the judicial procedures provided in this chapter it shall not be necessary to exhaust the administrative remedies.

**3 L.P.R.A. § 149k. Liability of frivolous allegations.**

None of the above provisions shall prevent the imposition of liability on unscrupulous persons or students who knowingly make frivolous allegations pursuant to §§ 149-149k of this title.

**18 L.P.R.A. § 3802. Students' general statement of rights.**

Every person has a constitutional right to be educated. Education is provided by the state for all the students of the Public System of Education of Puerto Rico at no cost to the parents or to the student. Education at the elementary and secondary levels is compulsory. Equal protection of the laws and rights conferred to all students is guaranteed under the Constitution of the United States of America, of federal laws, of the Constitution of Puerto Rico and further provision of laws, regulations and ordinances applicable. The students will be entitled, but not limited to, the foregoing rights:

- 10. The Right to a Gratuitous and Secure Education
  - (c) Students shall have the right to an education free from abuse, neglect and discrimination.

**Law No. 104 of August 2016. Article 1. Title.**

This Law will be known and may be cited as the "Alexander Santiago Martinez Law".

**Law No. 104 of August 2016. Article 2. Applicability.**

This Law shall be applicable to the public schools of the Department of Education; to private educational institutions and to any institution of higher education, as defined in Reorganization Plan No. 1-2010, as amended.

**Law No. 104 of August 2016. Article 3. Definitions.**

For the purposes of this law, the following terms and phrases shall have the meanings set forth below:

- (A) Harassment and intimidation and / or "bullying"; Any pattern of actions done intentionally, whether through psychological, physical, cybernetic or social abuse, which has the effect of frightening a student or a group of students and interfering with it, their school opportunities and their performance, both in the Classroom as in their immediate social environment. Harassment and intimidation and / or bullying should be a pattern of harassment, consisting of more than one act, and usually extending for weeks, months and even years.
- (B) Harassment and intimidation by any electronic means or through the use of the Internet and / or "Cyberbullying"; Is the use of any oral, written, visual or textual electronic communication made for the

purpose of harassing, harassing, intimidating, and afflicting a student, student, or group of students; And which usually results in harm to the physical, mental or emotional integrity of the affected student and / or their property and the unwanted interference with the opportunities, performance and benefit of the affected student. Although actions do not originate in the school or in the immediate school environment, cyberbullying has serious repercussions and adverse consequences on the educational environment.

**Law No. 104 of August 2016. Article 4.**

The Department of Education, The Association of Private Schools, the Department of the Family; The Department of Health; The Department of Justice; The Puerto Rico Police and the School Psychology Association of Puerto Rico will have liaison officers who will be responsible for dealing with cases of harassment and / or bullying to deal with cases from both public schools and private institutions. In addition, these departments and associations will develop bullying, bullying, and bullying training programs and workshops in private, public and higher education schools to train teachers, non-teachers, parents, and students with prevention strategies, Identification and management of bullying.

**Law No. 104 of August 2016. Article 5.**

The Department of Education will be the lead agency responsible for coordinating efforts to create the Institutional Protocol for the Management of School Harassment for public schools and responsible for ensuring compliance.

**Law No. 104 of August 2016. Article 6.**

The Department of Education will design the protocol of handling cases of harassment and / or "bullying", internally, in public schools.

For its part, the Puerto Rico Board of Education will enact the applicable regulations that must include any private school institution within the protocol of handling cases of harassment and / or bullying adopted under this mandate. All public, private, and higher education institutions must develop and implement an Institutional Protocol for the Conduct of School Harassment that includes the following factors:

- Objective
- Justification
- Definition and description of bullying and cyber bullying
- Expectations and institutional policy
- Responsibilities of members of the educational community related to bullying
- Prevention strategies
- Procedure for the dissemination of the protocol
- Procedure for case documentation, confidentiality and record keeping;
- Case reporting procedure
- Reporting strategies for complaints
- Intervention strategies and case sanctions
- Follow-up strategies
- Guidelines for referrals to health professionals.

**Law No. 104 of August 2016. Article 7.**

The higher education institutions of the Country, as defined in subsection (m) of Article 3 of Reorganization Plan No. 1-2010, as amended, will create a similar protocol that will be applicable in their respective academic entities.

**Law No. 104 of August 2016. Article 8.**

The Education Council of Puerto Rico shall be the agency in charge of ensuring compliance with this protocol in higher and private institutions of education. Each institution will be obliged to report to the Higher Education Council on any cases of harassment and / or bullying in its different facilities or venues, according to the procedure established in the protocol.

**Law No. 104 of August 2016. Article 9.**

In cases where students enrolled in the Special Education Program of the Department of Education are involved, educational institutions will be governed by the disciplinary procedures contained in the "Special Education Procedure Manual". The protocol will establish that, in an administrative way, the incidents of "bullying" be subjected to evaluation according to the requirements established in the same, so that therapeutic services are provided that are necessary in a process to amend these behaviors that lead to commit "bullying". The administrative proceeding shall not prevent the parties from seeking, independently, the Puerto Rico Police to make a complaint about the incidents.

**Law No. 104 of August 2016. Article 10.**

It will be the obligation of any entity of primary, secondary, superior and university, whether public or private, to carry out statistics on cases of harassment and / or bullying that occur during the course of the year. These statistics shall be submitted by annual reports, which shall be submitted no later than July 1 of each year to the Department of Education in the case of public schools and to the Puerto Rico Education Council in the case of higher education institutions and private education.

**REGULATIONS**

No relevant regulations found.

**Other special infractions or conditions**

**LAWS**

**18 L.P.R.A. § 3803. Duties and responsibilities of students, parents and/or tutors and school authorities.**

1. Laws, regulations/rules, circular letters, norms, instructions and guidelines issued by academic authorities shall be respected.
2. Students will attend classes timely and regularly and will observe a proper and dignified behavior during the school schedule as well as at recess and other school activities, whether the activity takes place at the school premises or outside the premises.
3. Students, parents etc. will keep over, take care of, protect and cause no harm to public property, equipment, books and school materials.
4. Students, parents etc. shall refrain from interfering in the development of the class and activities inside the classroom.
5. Students, parents etc. shall not coerce any other student into participating on a particular point of view, nor will a student, parent etc. deprive or unduly restrict other students to dissent from their points of view.
7. Parents, legal guardians and/or tutors will hold the responsibility for damages caused by non-emancipated minors to public property, equipment, books and school materials. In the case that the student causing the damage is legally of age or if emancipated, the student will personally respond for these damages.

10. Duties and responsibilities enclosed within this section are not conclusive or mutually exclusive with whatever right, duty or responsibility the school grants or requests from the students.

**REGULATIONS**

No relevant regulations found.

## ***Prevention and Behavioral Interventions (Non-Punitive)***

### **Prevention**

#### **LAWS**

##### **3 L.P.R.A. § 149h. Obligation of learning institution in place of studies**

Every learning institution is under the obligation of maintaining the place of studies free from sexual harassment and intimidation and shall clearly explain its policy against sexual harassment to the students and the teaching and non-teaching personnel. It shall guarantee that its students shall be able to study in a safe and dignified environment. In compliance with the obligation imposed on the learning institution to prevent, discourage and avoid sexual harassment at the place of study, the learning institution should take the measures it may deem convenient and necessary to achieve this purpose, including, but not limited to:

- (a) Clearly explain to, the students and the teaching and non-teaching personnel that the institution follows an active policy against sexual harassment in the place of study.
- (b) Draft regulations stating the responsibilities, procedures and penalties that shall apply at the place of study to, handle sexual harassment complaints as well as those that may arise as a result of frivolous allegations from unscrupulous students or persons.
- (c) Divulge throughout the institution the rights and protection conferred and granted to the students by §§ 149-149k of this title.
- (d) Develop and put into practice the necessary means to create awareness and make known the fact that sexual harassment is prohibited at the place of study.

##### **18 L.P.R.A. § 9. Students.**

Every student in the public education system has the right to:

- (h) Receive the necessary tools for the constructive management of emotions and for verbal non-violent conflict resolution.

##### **18 L.P.R.A. § 13. Department of Education.**

(j) The Department of Education shall ensure compliance with the prevention and orientation programs directed toward the reduction of violent incidents and conflict management in the schools. These training programs shall emphasize problem solving, social interaction, peer pressure management, understanding of values and conflict management skills.

##### **18 L.P.R.A. § 14. Students.**

- (a) General Regulations for the Students of the Puerto Rico Public Education System.- Students shall try to resolve problems in non-violent ways and through dialogue. Maintain respect for their fellow students, their teachers and the school authorities.
- (b) Students shall report any violent act, crime, vandalism and threat of which they become aware to the school director, a teacher or to a parent or guardian.
- (c) Students shall actively participate in the crime prevention programs of their school.
- (d) Students shall cooperate with the school administration in the identification of places that are conducive to delinquent behavior within the school.
- (e) Students shall learn how to avoid becoming victims of a crime within the school. In order to achieve this, they shall stay away from dangerous places with poor lighting and visibility.

(f) Students shall seek help from any member of the school community when they face a situation that may turn out to be dangerous to their physical integrity or safety.

**18 L.P.R.A. § 571. Bands of Mercy compulsory in public schools-Establishment; regulations.**

The Secretary of Education of Puerto Rico is hereby directed to establish compulsory Bands of Mercy in all the rural, elementary and high schools under his jurisdiction, and to prepare rules for their better functioning and development.

**18 L.P.R.A. § 572. Bands of Mercy compulsory in public schools-Annual report.**

The Secretary of Education shall require an annual report from school inspectors concerning the work and the practical results obtained in their respective districts as regards these Bands of Mercy.

**18 L.P.R.A. § 573. Moral education in public schools.**

The Secretary of Education of Puerto Rico is hereby authorized to establish in the public schools the teaching of morals and good habits and manners to the children attending said schools, and to promote the dissemination of the principles of morals and citizenship among the parents of pupils, under the auspices and with the cooperation of the local Parent-Teacher Associations and of the Commonwealth League of these associations.

**18 L.P.R.A. § 574. Moral education in public schools-Supervisor of Moral Education and Social Relations.**

This work shall be directed by a Supervisor of Moral Education and Social Relations whom the Secretary of Education shall appoint immediately, fixing his salary chargeable to the appropriation in the budget under the heading "Division of Supervision, Investigations and Preparation of Courses of Study: Supervision of Schools", with the assistance and cooperation of the Supervisor of Social Sciences and of the Director of the Bureau of Adults of the Department of Education, all of whom shall, in turn, obtain the cooperation of the Parent-Teacher Associations and of the Commonwealth League of these associations.

**18 L.P.R.A. § 575. Moral education in public schools-Courses in morals and good habits.**

It shall be the duty of those in charge of this work in the Department of Education to disseminate throughout all the public schools of the Commonwealth the teaching of morals and of good habits and manners to the pupils, according to a special course and a flexible teaching plan which shall be prepared and published by the Department of Education.

**18 L.P.R.A. § 576. Moral education in public schools-Cooperation with parent-teacher associations and other organizations.**

It shall also be the duty of those in charge of directing this work, counting especially therefor upon the assistance and cooperation of the local parent-teacher associations and of the Commonwealth League of these associations, to organize lectures for moral and civic instruction of the parents of the pupils attending the public schools, and also to disseminate these teachings by means of discussions between groups organized within or outside of the schools, making use for the purpose, as often as possible, of the radio and press of the country, in order to promote the civic and moral betterment of the whole people, with the assistance and cooperation of the School of the Air and of the Bureau of Adults of the Department of Education.

It shall also be the duty of the Supervisor of Moral Education and Social Relations who is to be appointed, to coordinate, promote, and direct, from the Department of Education, the activities which, in connection with the schools, are engaged in and carried out by the parent-teacher associations throughout the Commonwealth, the Juvenile Red Cross, the Boy and Girl Scouts, and any other organization of

extracurricular activities which now exist or may hereafter be created for the better development and welfare of the children and the public schools of Puerto Rico.

**18 L.P.R.A. § 3861. Establishment.**

The “School Retention Program” will be established under the Commonwealth of Puerto Rico’s Department of Education.

**18 L.P.R.A. § 3862. Public policy.**

This represents an urgent need for the Commonwealth of Puerto Rico, to ensure that the Public Education System of Puerto Rico, as a constitutional right of citizens, is accessible, modern, responsive, and serves as a tool for training and effective and quality education for all of the thousands of students. Students who day to day attend educational institutions to receive an education and who personally face and are challenged by the imperfections of the educational system. Unfortunately, for a variety of reasons, some stop attending school and become school dropouts, exposing them to a range of criminal influences that negatively impacts all of us.

In particular, youth who truly need opportunities for resolving these issues that have affected their experiences as students, require the government and private sector to share in developing a comprehensive and collaborative approach. An unavoidable commitment that needs to be urgently recognized as a term for thousands of students who abandon the school system but could be reintegrated with prevention efforts that could salvage this dangerous and problematic situation which disconnects the future of students, affecting us as a society.

**18 L.P.R.A. § 3863. School dropout.**

Through the implementation of this chapter the Secretary of Education will be liable by regulations to establish a definition of the term school dropout that can be used in the public policy laws of the Commonwealth of Puerto Rico.

**18 L.P.R.A. § 3864. Establishment; regulations.**

The Secretary of Education is directed to establish a “School Retention Program” that will be affiliated with the Puerto Rico Department of Education of which the purpose will be to ensure that the same legal term will be used to address the alarming school dropout problem.

To complete such goals, there is a necessary legal approval, just as was used for establishing a close coordination with the Regional Centers Project C.A.S.A. (Center for Supporting and Sustaining the Student), today with the same vigor. The Program will be led by a director appointed by the Secretary and will be under this Office.

**18 L.P.R.A. § 3865. Duties and functions of the program.**

In case it is understood as a limitation, the Program includes the following minimal functions and responsibilities:

- (a) Establish a regularly updated registry for all the youth who have dropped out of school, identifying them by educational region, grade, and number of years that they were students;
- (b) Locate, register, evaluate, and identify the special needs of regular or vocational school and the workforce for students who have abandoned the public school system;
- (c) Identify and address the circumstances that put students at risk of dropping out of the education system, meanwhile establishing a list of students that are at potential risk of becoming school dropouts.
- (d) Consolidate those programs that are necessary for retaining possible school dropouts, including human resources and available professionals, as well as necessary finances specific to these goals.



- (e) Develop and practice new curriculums that are appropriate for retaining students, as well as using other activities that complement these objectives;
- (f) Establish a more effective cooperation and coordination between interagency groups and community groups, academics, universities, field professionals for the purposes of this goal;
- (g) Prepare a directory or registry of stakeholders that corresponds to the requirements that the Department of Education determines and promotes the services related with this problem and
- (h) Create and maintain statistics regarding the school dropout problem in coordination with the Puerto Rico Institute for Statistics.

**18 L.P.R.A. § 3866. Budget.**

The “School Retention Program”, could use all the donation funds, facilities and properties of the local and federal government to fulfill these proposals, as allocated appropriately by authorities in accordance with the current legal framework.

**Law No. 104 of August 2016. Article 4.**

The Department of Education, The Association of Private Schools, the Department of the Family; The Department of Health; The Department of Justice; The Puerto Rico Police and the School Psychology Association of Puerto Rico will have liaison officers who will be responsible for dealing with cases of harassment and / or bullying to deal with cases from both public schools and private institutions. In addition, these departments and associations will develop bullying, bullying, and bullying training programs and workshops in private, public and higher education schools to train teachers, non-teachers, parents, and students with prevention strategies, Identification and management of bullying.

**Law No. 104 of August 2016. Article 6.**

The Department of Education will design the protocol of handling cases of harassment and / or "bullying", internally, in public schools.

For its part, the Puerto Rico Board of Education will enact the applicable regulations that must include any private school institution within the protocol of handling cases of harassment and / or bullying adopted under this mandate. All public, private, and higher education institutions must develop and implement an Institutional Protocol for the Conduct of School Harassment that includes the following factors:

- Objective
- Justification
- Definition and description of bullying and cyber bullying
- Expectations and institutional policy
- Responsibilities of members of the educational community related to bullying
- Prevention strategies
- Procedure for the dissemination of the protocol
- Procedure for case documentation, confidentiality and record keeping;
- Case reporting procedure
- Reporting strategies for complaints
- Intervention strategies and case sanctions
- Follow-up strategies
- Guidelines for referrals to health professionals.

## REGULATIONS

### **Regulation Num. 8115. Article IX, A. Concepts.**

6. The disciplinary process should be gradual, preventive, rehabilitative, educative, fair and reasonable, respecting the rights of the whole school community.

7. The primary grades will establish and emphasize common rules and standards, wholesome discipline, and self-control to improve school behavior of students at the secondary level. These rules and regulations will be in tune with the student's developmental stages. School Social Workers and School Counselors work with teachers to effectively run the process.

### **Regulation Num. 8115. Article IX, C. Institutional order.**

1. Members of the school community and public order officers [...] will endeavor to establish good relationships in school and will make every effort to achieve an environment conducive to the development of habits of responsibility, cooperation, and good school discipline.

## Behavioral interventions and student support services

## LAWS

### **18 L.P.R.A. § 3861. Establishment.**

The "School Retention Program" will be established under the Commonwealth of Puerto Rico's Department of Education.

### **18 L.P.R.A. § 3862. Public policy.**

This represents an urgent need for the Commonwealth of Puerto Rico, to ensure that the Public Education System of Puerto Rico, as a constitutional right of citizens, is accessible, modern, responsive, and serves as a tool for training and effective and quality education for all of the thousands of students. Students who day to day attend educational institutions to receive an education and who personally face and are challenged by the imperfections of the educational system. Unfortunately, for a variety of reasons, some stop attending school and become school dropouts, exposing them to a range of criminal influences that negatively impacts all of us.

In particular, youth who truly need opportunities for resolving these issues that have affected their experiences as students, require the government and private sector to share in developing a comprehensive and collaborative approach. An unavoidable commitment that needs to be urgently recognized as a term for thousands of students who abandon the school system but could be reintegrated with prevention efforts that could salvage this dangerous and problematic situation which disconnects the future of students, affecting us as a society.

### **18 L.P.R.A. § 3863. School dropout.**

Through the implementation of this chapter the Secretary of Education will be liable by regulations to establish a definition of the term school dropout that can be used in the public policy laws of the Commonwealth of Puerto Rico.

### **18 L.P.R.A. § 3864. Establishment: regulations.**

The Secretary of Education is directed to establish a "School Retention Program" that will be affiliated with the Puerto Rico Department of Education of which the purpose will be to ensure that the same legal term will be used to address the alarming school dropout problem.

To complete such goals, there is a necessary legal approval, just as was used for establishing a close coordination with the Regional Centers Project C.A.S.A. (Center for Supporting and Sustaining the Student), today with the same vigor. The Program will be led by a director appointed by the Secretary and will be under this Office.

**18 L.P.R.A. § 3865. Duties and functions of the program.**

In case it is understood as a limitation, the Program includes the following minimal functions and responsibilities:

- (a) Establish a regularly updated registry for all the youth who have dropped out of school, identifying them by educational region, grade, and number of years that they were students;
- (b) Locate, register, evaluate, and identify the special needs of regular or vocational school and the workforce for students who have abandoned the public school system;
- (c) Identify and address the circumstances that put students at risk of dropping out of the education system, meanwhile establishing a list of students that are at potential risk of becoming school dropouts.
- (d) Consolidate those programs that are necessary for retaining possible school dropouts, including human resources and available professionals, as well as necessary finances specific to these goals.
- (e) Develop and practice new curriculums that are appropriate for retaining students, as well as using other activities that complement these objectives;
- (f) Establish a more effective cooperation and coordination between interagency groups and community groups, academics, universities, field professionals for the purposes of this goal;
- (g) Prepare a directory or registry of stakeholders that corresponds to the requirements that the Department of Education determines and promotes the services related with this problem and
- (h) Create and maintain statistics regarding the school dropout problem in coordination with the Puerto Rico Institute for Statistics.

**18 L.P.R.A. § 3866. Budget.**

The "School Retention Program", could use all the donation funds, facilities and properties of the local and federal government to fulfill these proposals, as allocated appropriately by authorities in accordance with the current legal framework.

**Law No. 104 of August 2016. Article 4.**

The Department of Education, The Association of Private Schools, the Department of the Family; The Department of Health; The Department of Justice; The Puerto Rico Police and the School Psychology Association of Puerto Rico will have liaison officers who will be responsible for dealing with cases of harassment and / or bullying to deal with cases from both public schools and private institutions. In addition, these departments and associations will develop bullying, bullying, and bullying training programs and workshops in private, public and higher education schools to train teachers, non-teachers, parents, and students with prevention strategies, Identification and management of bullying.

**Law No. 104 of August 2016. Article 6.**

The Department of Education will design the protocol of handling cases of harassment and / or "bullying", internally, in public schools.

For its part, the Puerto Rico Board of Education will enact the applicable regulations that must include any private school institution within the protocol of handling cases of harassment and / or bullying adopted under this mandate. All public, private, and higher education institutions must develop and implement an Institutional Protocol for the Conduct of School Harassment that includes the following factors:

Objective  
Justification  
Definition and description of bullying and cyber bullying  
Expectations and institutional policy  
Responsibilities of members of the educational community related to bullying  
Prevention strategies  
Procedure for the dissemination of the protocol  
Procedure for case documentation, confidentiality and record keeping;  
Case reporting procedure  
Reporting strategies for complaints  
Intervention strategies and case sanctions  
Follow-up strategies  
Guidelines for referrals to health professionals.

## **REGULATIONS**

### **Regulation Num. 8115. Article IX, C. Institutional order.**

3. The teacher will be responsible for institutional order and fostering good student discipline. They must refer a student discipline issue to the Director of School Discipline, with evidence of interventions implemented, after it has exhausted all available resources such as, but not limited to: interviews with the student, with the guardian, with the interdisciplinary team or have referred the student to the classroom teacher, School Social Worker or School Counselor.

### **Regulation Num. 8502. Article IV. Procedure.**

1. Teachers will follow the guidelines provided in Circular Letter 16-2013-2014, or the current circular letter, that establishes the procedure to be followed in implementing school retention norms of the Department of Education.

3. Next, the actions to follow according to the pattern of unjustified absences by the student.

B. 5 to 9 days

Responsible Person: Teacher - Social Worker - School Counselor

5. The support staff will discuss with the parent, custodian, or guardian and the student the causes that have incurred in this pattern of absences, the alternatives to suspend this pattern of absences and ensure school attendance.

6. As a result of the discussion, support staff, parents, custodian, or guardian and the student will prepare a plan of action to prevent the child's unjustified absences to school. The Intervention Plan Agreement will be signed by the support staff, the parents, guardian or custodian, and the student. Document C, Intervention Plan Agreement, located at the end of this Regulation shall be used for this agreement between the parties.

7. In addition, the support staff will ensure to orient the parent, guardian or custodian of the student on the administrative and legal consequences that may occur in the case of non-compliance with the Intervention Plan Agreement.

## Professional development

### LAWS

#### **18 L.P.R.A. § 10. Teaching personnel (teachers, librarians, advisors, social workers and others).**

All teaching personnel working in a public system educational institution shall have the right to:

- (d) Receive orientation and training to work with conflict situations such as fights, riots or disputes in order to identify when their own safety or that of their students may be in danger.
- (f) Receive orientation information and training about topics related to school violence, such as drug abuse, possession of weapons and management of conflicts, among others.

#### **18 L.P.R.A. § 12. Non-teaching personnel.**

All non-teaching personnel working in a public system educational institution shall have the right to:

- (d) Receive orientation and training to work with conflict situations such as fights, riots or disputes in order to identify when their own safety or that of any member of the school community may be in danger.

#### **18 L.P.R.A. § 13. Department of Education.**

(d) To provide administrative support to achieve compliance with the school security plans established by the student councils. Said school security plans shall include initiatives directed toward:

- (1) Identifying the security needs of the schools.
- (2) Providing clean physical facilities in a safe environment.
- (3) Implementing training programs for the teachers, non-teaching personnel and student groups in the areas of violence prevention and conflict management.

(e) To redesign those physical facilities whose conditions may influence the development of delinquent or violent activities. The schools should be designed in such a manner so as to prevent the free access of unauthorized persons into the schools and to promote that the school authorities be able to visually supervise student activities in all areas.

(h) The Department of Education shall be responsible for the training of the teaching and administrative personnel on how to manage students with discipline and violence problems. This training shall be based upon conflict management and the early identification of violent situations. The Department of Education is responsible for keeping all its personnel duly informed about the rules for security and violence prevention, so they may know which steps to take in a crisis situation.

#### **Law No. 104 of August 2016. Article 4.**

The Department of Education, The Association of Private Schools, the Department of the Family; The Department of Health; The Department of Justice; The Puerto Rico Police and the School Psychology Association of Puerto Rico will have liaison officers who will be responsible for dealing with cases of harassment and / or bullying to deal with cases from both public schools and private institutions. In addition, these departments and associations will develop bullying, bullying, and bullying training programs and workshops in private, public and higher education schools to train teachers, non-teachers, parents, and students with prevention strategies, Identification and management of bullying.

### REGULATIONS

No relevant regulations found.

## ***Monitoring and Accountability***

### **Formal incident reporting of conduct violations**

#### **LAWS**

##### **18 L.P.R.A. § 9 Students**

Every student in the public education system has the right to:

- (g) Be guaranteed safety, physical integrity and anonymity when reporting an act of violence he/she has witnessed to the school security authorities.

##### **18 L.P.R.A. § 13 Department of Education**

(f) The Department of Education shall establish guidelines for the school directors to prepare a report on violent and non-violent incidents within the school premises. Using a standard format, the Director shall gather the information and analyze the data. Subsequently, the Director shall prepare a quarterly report of these findings and submit the same to the School Life Quality Program.

##### **18 L.P.R.A. § 14 Students**

(b) Students shall report any violent act, crime, vandalism and threat of which they become aware to the school director, a teacher or to a parent or guardian.

(d) Students shall cooperate with the school administration in the identification of places that are conducive to delinquent behavior within the school.

##### **Law No. 104 of August 2016. Article 4.**

The Department of Education, The Association of Private Schools, the Department of the Family; The Department of Health; The Department of Justice; The Puerto Rico Police and the School Psychology Association of Puerto Rico will have liaison officers who will be responsible for dealing with cases of harassment and / or bullying to deal with cases from both public schools and private institutions. In addition, these departments and associations will develop bullying, bullying, and bullying training programs and workshops in private, public and higher education schools to train teachers, non-teachers, parents, and students with prevention strategies, Identification and management of bullying.

##### **Law No. 104 of August 2016. Article 6.**

The Department of Education will design the protocol of handling cases of harassment and / or "bullying", internally, in public schools.

For its part, the Puerto Rico Board of Education will enact the applicable regulations that must include any private school institution within the protocol of handling cases of harassment and / or bullying adopted under this mandate. All public, private, and higher education institutions must develop and implement an Institutional Protocol for the Conduct of School Harassment that includes the following factors:

- Objective
- Justification
- Definition and description of bullying and cyber bullying
- Expectations and institutional policy
- Responsibilities of members of the educational community related to bullying
- Prevention strategies
- Procedure for the dissemination of the protocol

Procedure for case documentation, confidentiality and record keeping;  
Case reporting procedure  
Reporting strategies for complaints  
Intervention strategies and case sanctions  
Follow-up strategies  
Guidelines for referrals to health professionals.

## **REGULATIONS**

### **Regulation Num. 8115. Article IX, C. Institutional order.**

2. Any member of the School Community shall inform the Director of any student or school-related persons' behavior that involves a possible violation of law, rules, school rules or guidelines, either by personal knowledge of the facts or information obtained. This applies to behavior occurring on school campus, one hundred (100) feet around, school-sponsored activities, in any branch of the Department of Education, and on school transportation.

3. The teacher will be responsible for institutional climate and fostering good student discipline. They will refer discipline issues to the Director of School Discipline, with all the evidence of interventions implemented, after it has exhausted all available resources such as, but not limited to: interviews with the student, with the guardian, with the interdisciplinary team or have referred the student to the classroom teacher, School Social Worker or School Counselor. After having evaluated the disciplinary situation, the Principal will determine those cases which it considers require immediate intervention or the Safety Committee.

### **Regulation Num. 8115. Article IX, F. Rules and procedures for filing complaints and implementation of corrective actions.**

1) Concepts:

- a. Complaints are any claim alleging that a student of the Public Education System has violated the rules and/or duties that are imposed by the laws, regulations of the Public Education Department of Puerto Rico.
- b. Anyone with knowledge of a student's violation has standing to file a complaint.
- c. Complaints to be addressed through the procedure provided for in this Article shall be classified in informal and formal complaints. Informal complaints will be handled in school by the Principal. Grievances will be settled through an evidentiary hearing, chaired by an Examiner appointed by the Secretary, the process is carried out in the Legal Division of the Department of Education.
- d. Disciplinary procedures applicable to special education students shall be governed by the provisions of the Manual of Procedures for Special Education.
- e. You can only discipline a student belonging to the Special Education Program through the procedure provided for in this Regulation, if the Committee of Planning and Placement Team (PPT) has determined, pursuant to the process set forth in the Procedures Manual for Special Education that the student's conduct is not related to their condition.
- f. To discontinue the complaint process the parties concerned must show that they have no interest in the process.

**Regulation Num. 8502. Article IV. Procedure.**

1. Teachers will follow the guidelines provided in Circular Letter 16-2013-2014, or the current circular letter, that establishes the procedure to be followed in implementing school retention norms of the Department of Education.

2. The school principal shall require teachers to keep a daily record of the students enrolled in the course and supervise the maintenance of this daily record of student attendance.

3. Next, the actions to follow according to the pattern of unjustified absences by the student.

A. 2 to 4 days

Responsible Person: Teacher

1. Notify the school principal and support staff on the student's unjustified absences.

2. Will carry out an investigation in which the teacher will consult with the team of teachers to check if the student's behavior is repetitive in other classes and, if deemed appropriate, will interview collaterals.

3. Contact you the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email, or written notice, among others, to inform of the unjustified absences and discuss the causes, if any, of them.

4. Will meet and discuss with the student alternatives to avoid incurring unjustified absences.

B. 5 to 9 days

Responsible Person: Teacher - Social Worker - School Counselor

1. The teacher will notify the unjustified absences in writing to the school principal and support staff.

2. The support staff will conduct an investigation in which he or she shall consult the team of teachers to see if the behavior is repetitive in their other classes and, if deemed appropriate, interview collaterals.

3. The support staff will contact the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to coordinate an orientation meeting.

4. If necessary, the support staff will visit the student's home and report the findings to the school principal and the teacher that refers the situation.

5. The support staff will discuss with the parent, custodian, or guardian and the student the causes that have incurred in this pattern of absences, the alternatives to suspend this pattern of absences and ensure school attendance.

6. As a result of the discussion, support staff, parents, custodian, or guardian and the student will prepare a plan of action to prevent the child's unjustified absences to school. The Intervention Plan Agreement will be signed by the support staff, the parents, guardian or custodian, and the student. Document C, Intervention Plan Agreement, located at the end of this Regulation shall be used for this agreement between the parties.

7. In addition, the support staff will ensure to orient the parent, guardian or custodian of the student on the administrative and legal consequences that may occur in the case of non-compliance with the Intervention Plan Agreement.

8. Similarly, the support staff will provide parents, guardians, or custodians a copy of Section 1.03 of the Law 149-1999, as amended, which provides that school attendance is compulsory and the corresponding actions regarding non-compliance with that Article.

9. Also, the support staff will ensure guidance to parents, guardians and custodians about Article IV subsection (c) and (d) of Regulation 8115 of December 8, 2011, known as General Student



Regulations for the System of Education of Puerto Rico, and the public policy regarding the active integration of parents and guardians in the educational process in the schools of the Department of Education.

C. 10 days or more of incurring unjustified absences or cutting class

Responsible Person: Teacher - Social Worker - School Counselor - School Director

1. The teacher will inform in writing to the school principal and support staff on the pattern of unjustified absences by the student.
  2. The support staff or the school principal will contact the parent, guardian or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to inform the pattern absences and arrange a meeting if necessary.
  3. The support staff or the school principal will refer, if necessary, the case to the Program of Interdisciplinary Services for School Coexistence (SICE) of educational region to which it belongs. This action will be taken once all the institutional remedies have been exhausted.
  4. The school principal shall report in writing and refer to the corresponding social welfare agencies and the Prosecutor of the Department of Justice those parents, guardians, and custodians who fail to comply with the Intervention Plan Agreement. This process will be done in accordance with the table entitled "Notification of the Agencies."
  5. The school principal shall inform the Juvenile Court when students participate in any judicial program (as diversion or dispositive).
4. In the case that the school doesn't have support staff assigned, in line with the steps set out in the table above and according to the number of absences by the student, the school principal shall be responsible for performing all procedures delegated to the support staff.
5. The teacher will be responsible for registering in the Student Information System (SIE) the student has accumulated ten (10) or more unjustified absences or cuts of classes during the school year.
6. In addition, the school principal will register in the SIE relevant information regarding the referral done to the SICE, the social welfare agencies, or the Department of Justice.
7. The school principal will generate a report at the end of each school year about students who incurred in a pattern of unjustified absences and about the cases that were referred to the social welfare agencies and the Department of Justice. This report shall be sent to the Assistant Secretary of Student Support Services.

## **Parental notification**

### **LAWS**

#### **18 L.P.R.A. § 11 Parents, tutors or guardians**

All parents with children in the Public Education System have the right to:

- (f) Receive a copy of the reports of violent incidents registered for each semester in the school that their children attend.
- (h) Be informed promptly by the school director or the teachers when their children become involved in behavior that may generate violent acts in the school.

#### **18 L.P.R.A. § 3802. Students' general statement of rights.**

Every person has a constitutional right to be educated. Education is provided by the state for all the students of the Public System of Education of Puerto Rico at no cost to the parents or to the student. Education at the elementary and secondary levels is compulsory. Equal protection of the laws and rights

conferred to all students is guaranteed under the Constitution of the United States of America, of federal laws, of the Constitution of Puerto Rico and further provision of laws, regulations and ordinances applicable. The students will be entitled, but not limited to, the foregoing rights:

13. Disciplinary Proceedings. Concerning the disciplinary process, the student has a right to a due process of law. Disciplinary proceedings must comply with the current General School Regulation for Students of the Department of Education of Puerto Rico. As part of the due process of law, students will be granted the following rights:

(a) To be notified of the offense committed and the penalties that can be imposed. The parents and/or legal guardians of the student will be notified; those students legally of age will be directly notified.

**18 L.P.R.A. § 3803. Duties and responsibilities of students, parents and/or tutors and school authorities.**

8. Parents and/or legal guardians or tutors hold the responsibility to keep contact information updated in case communication is required by school authorities. This information will include, but will not necessarily be limited to the home address, parent's workplace, home phone number, cellular or parents' workplace phone number and information to contact a relative or closely-related person to parents if it were not possible to contact parents in an expeditious manner in case of an emergency. This information shall be kept safe and secure accessible exclusively to the director, the secretary of the school, the school counselor and/or the school's social worker.

**REGULATIONS**

**Regulation Num. 8115. Article IX, F. Rules and procedures for filing complaints and implementation of corrective actions.**

2.B.2) Procedures for Formal Complaints

a. The School Director must communicate with the student and his guardian regarding summarily suspending in print.

**Regulation Num. 8502. Article IV. Procedure.**

3. Next, the actions to follow according to the pattern of unjustified absences by the student.

A. 2 to 4 days

Responsible Person: Teacher

3. Contact the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email, or written notice, among others, to inform of the unjustified absences and discuss the causes, if any, of them.

B. 5 to 9 days

Responsible Person: Teacher - Social Worker - School Counselor

3. The support staff will contact the parent, guardian, or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to coordinate an orientation meeting.

4. If necessary, the support staff will visit the student's home and report the findings to the school principal and the teacher that refers the situation.

5. The support staff will discuss with the parent, custodian, or guardian and the student the causes that have incurred in this pattern of absences, the alternatives to suspend this pattern of absences and ensure school attendance.

6. As a result of the discussion, support staff, parents, custodian, or guardian and the student will prepare a plan of action to prevent the child's unjustified absences to school. The Intervention Plan Agreement will be signed by the support staff, the parents, guardian or custodian, and the student. Document C, Intervention Plan Agreement, located at the end of this Regulation shall be used for this agreement between the parties.

7. In addition, the support staff will ensure to orient the parent, guardian or custodian of the student on the administrative and legal consequences that may occur in the case of non-compliance with the Intervention Plan Agreement.

8. Similarly, the support staff will provide parents, guardians, or custodians a copy of Section 1.03 of the Law 149-1999, as amended, which provides that school attendance is compulsory and the corresponding actions regarding non-compliance with that Article.

9. Also, the support staff will ensure guidance to parents, guardians and custodians about Article IV subsection (c) and (d) of Regulation 8115 of December 8, 2011, known as General Student Regulations for the System of Education of Puerto Rico, and the public policy regarding the active integration of parents and guardians in the educational process in the schools of the Department of Education.

C. 10 days or more of incurring unjustified absences or cutting class

Responsible Person: Teacher - Social Worker - School Counselor - School Director

2. The support staff or the school principal will contact the parent, guardian or custodian of the student through various means, such as phone calls, text messages, email or written notice, among others, to inform the pattern absences and arrange a meeting if necessary.

## **Reporting and referrals between schools and law enforcement**

### **LAWS**

#### **Law No. 104 of August 2016. Article 4.**

The Department of Education, The Association of Private Schools, the Department of the Family; The Department of Health; The Department of Justice; The Puerto Rico Police and the School Psychology Association of Puerto Rico will have liaison officers who will be responsible for dealing with cases of harassment and / or bullying to deal with cases from both public schools and private institutions. In addition, these departments and associations will develop bullying, bullying, and bullying training programs and workshops in private, public and higher education schools to train teachers, non-teachers, parents, and students with prevention strategies, Identification and management of bullying.

#### **Law No. 104 of August 2016. Article 9.**

In cases where students enrolled in the Special Education Program of the Department of Education are involved, educational institutions will be governed by the disciplinary procedures contained in the "Special Education Procedure Manual". The protocol will establish that, in an administrative way, the incidents of "bullying" be subjected to evaluation according to the requirements established in the same, so that therapeutic services are provided that are necessary in a process to amend these behaviors that lead to commit "bullying". The administrative proceeding shall not prevent the parties from seeking, independently, the Puerto Rico Police to make a complaint about the incidents.

## REGULATIONS

### **Regulation Num. 8115. Article IX, F. Rules and procedures for filing complaints and implementation of corrective actions.**

#### 2.B.2) Procedures for Formal Complaints

- a. The School Director will inform the police as soon as possible, of acts, witnesses and persons involved in the criminal offense or crime.

### **Regulation Num. 8502. Article IV. Procedure.**

#### 3. Next, the actions to follow according to the pattern of unjustified absences by the student.

C. 10 days or more of incurring unjustified absences or cutting class

Responsible Person: Teacher - Social Worker - School Counselor - School Director

5. The school principal shall inform the Juvenile Court when students participate in any judicial program (as diversion or dispositive).
6. In addition, the school principal will register in the SIE relevant information regarding the referral done to the SICE, the social welfare agencies, or the Department of Justice.
7. The school principal will generate a report at the end of each school year about students who incurred in a pattern of unjustified absences and about the cases that were referred to the social welfare agencies and the Department of Justice. This report shall be sent to the Assistant Secretary of Student Support Services.
8. Notice to social welfare agencies and the Department of Justice will be done to the following offices:
  - Agency: Family Department (DF)
  - Legal Justification: Law 246-2011, Article 3, subsection (z), Article 5, subsection (7)
  - Place of Referral: Central Office of the DF
  - Program Office: Protection of Minors
  - Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
  - Place of Referral: Central Office of the DF
  - Program Office: Nutritional Assistance Program (PAN)
  - Agency: Public Housing Administration
  - Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
  - Place of Referral: Central Office of Housing
  - Program Office: Public Housing
  - Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
  - Place of Referral: Central Office of Housing
  - Program Office: Housing with Subsidy
  - Agency: Justice Department
  - Legal Justification: Law 149-1999, as amended, Article 1.03, subsection (c)
  - Place of Referral: Judicial Region where the facts occurred
  - Program Office: Prosecutor of the Judicial Region

## Disclosure of school records

### LAWS

#### **18 L.P.R.A. § 3802. Students' general statement of rights.**

Every person has a constitutional right to be educated. Education is provided by the state for all the students of the Public System of Education of Puerto Rico at no cost to the parents or to the student. Education at the elementary and secondary levels is compulsory. Equal protection of the laws and rights conferred to all students is guaranteed under the Constitution of the United States of America, of federal laws, of the Constitution of Puerto Rico and further provision of laws, regulations and ordinances applicable. The students will be entitled, but not limited to, the foregoing rights:

9. Student Education Record: Privacy/Confidentiality and Access To. Student Education Records and other related documents are by nature confidential. These records will be kept under the custody of the School Director. The student, parents and/or and legal guardians of the student shall have the right to request a copy of the student's education record. Access to these records is subject to complying with the requirements of the relevant legislation; whatever person not included or referred to in this section shall not be entitled to access the student education record except on the basis of a court warrant.

### REGULATIONS

No relevant regulations found.

## Data collection, review, and reporting of disciplinary policies and actions

### LAWS

#### **18 L.P.R.A. § 3816. Functions and duties of entities of alternate education.**

In order to implement public policy for alternate education in Puerto Rico, to guarantee the highest levels of quality and to promote the development of alternate education, these institutions perform the following functions:

- (b) Submit reports to the Custodian Agency and to the Commission as stated in Article 11 of this Law.
- (c) Submit reports on the utilization and the results of whichever funds, donations or public or private assignments received designated to alternate education as established in this Act.

#### **18 L.P.R.A. § 3820. Reports.**

The institutions of alternate education will submit annual reports to the Commission of Alternate Education, likewise, the Commission will prepare an annual report on the information received regarding procedures and the utilization of funds granted under the provisions herein, which will be submitted to the Governor and the Legislative Assembly of Puerto Rico. As of the foundation of the Commission, thereafter, the institutions of alternate education will be requested by the Commission to submit an initial report on procedures and the utilization of funds. Subsequently, an annual report must be submitted on or before September 30 yearly on these matters.

The Commission may request of the institutions of alternate education whichever special report deemed necessary provided it is requested fifteen (15) days in advance.

**Law No. 104 of August 2016. Article 10.**

It will be the obligation of any entity of primary, secondary, superior and university, whether public or private, to carry out statistics on cases of harassment and / or bullying that occur during the course of the year. These statistics shall be submitted by annual reports, which shall be submitted no later than July 1 of each year to the Department of Education in the case of public schools and to the Puerto Rico Education Council in the case of higher education institutions and private education.

**REGULATIONS**

No relevant regulations found.

## ***School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers***

### **Authority and power to implement school arrest**

#### **LAWS**

##### **18 L.P.R.A. § 141. Public policy.**

Whereas, it has always been the public policy of the Commonwealth of Puerto Rico to protect and watch over the well-being of our children; whereas, in the majority of the cases the public education system has been and is one that harbors the public school students of the country during a considerable portion of the day; whereas, our Commonwealth has been experiencing a constant increase in criminality and in acts of vandalism and violence which have taken place recently in the school buildings and grounds; it is, therefore, necessary and urgent to create a public security corps under the direction of the Secretary of Education for a more effective protection of the safety of students, teachers, administrative personnel as well as the school's physical facilities.

##### **18 L.P.R.A. § 141d. Powers and functions.**

The Corps shall have the following powers and duties under the direction of the Secretary:

- (a) To protect the life and property of the school community.
- (b) To protect and watch over the peace and public safety in the school buildings and grounds.
- (c) To develop a system that guarantees the prevention and eradication of delinquent acts in and around the school grounds, through which priority shall be given to assigning the services of the Corps to those schools which have the most serious vandalism and criminality problems.
- (d) To enforce compliance of all the laws of the Commonwealth of Puerto Rico related to the protection of life and property in Puerto Rico's school buildings and grounds.
- (e) In order to comply with the mandate of this chapter, the Corps members shall enforce the following provisions of the law without impairing other existing laws and regulations and the duties and powers of other law and order officers:
  - (1) To inform the corresponding authorities about violations of § 80 of Act June 30, 1969, No. 143 with regard to the issuing of licenses to retail alcoholic beverages in schools.
  - (2) To enforce the provisions of §§ 1-157, 5-702, 5-101 of Act July 20, 1960, No. 141.
  - (3) To ensure proper compliance of § 128 of this title, regarding the use of loudspeakers and amplifiers near school grounds.
  - (4) To ensure compliance with the barring of controlled substances within the school grounds pursuant to § 2411a of Title 24.
  - (5) To prevent the commission of the offenses established in Article 171 of the Penal Code of Puerto Rico and § 2091 of Title 33, which make reference to aggravated burglary and the prohibition of entering and remaining in school buildings and grounds without permission.
  - (6) To inform the corresponding authorities of violations to §§ 701 and 702 of Title 15, which regulate the distance between schools and electronic game establishments.
  - (7) To enforce and ensure compliance of the laws, regulations and norms of the Department of Education, under the supervision of the School Director.
- (f) To enable them to carry out the duties they are charged with, the members of the Corps shall have the authority, under this chapter, to:

- (1) Make arrests for attempted violations of the law pursuant to the provisions of subsections (d) and (e) of this section, when the attempt or violation is committed in or around the school and grounds and in the presence of members of the Corps, or those which are submitted to them through knowledge and belief in strict coordination with the Commonwealth Police.
- (2) Issue summons for violations of the administrative laws of the Department.
- (3) Execute search and arrest warrants issued by the Courts of Justice.
- (4) Carry out searches related to violations of the laws mentioned in this chapter pursuant to the Rules of Criminal Procedure in effect, App. II of Title 34.
- (5) Obtain and execute search warrants while carrying out the duties, functions and obligations provided in this chapter.
- (6) Hold, confiscate and attach any material such as: controlled substances, weapons, motor and towing vehicles, alcoholic beverages or any equipment used in violation of the laws administered by the Department, or the specific laws related to the purposes of this chapter. All confiscations shall be carried out pursuant to the provisions of §§ 1 and 2 of Act June 4, 1960, No. 39.
- (7) With respect to clauses (3), (4), (5) and (6) of this subsection, the Corps shall limit itself to those cases in which its members have personal knowledge of the existence of the objects to be confiscated, their nature and origin; and the search or confiscation is carried out in the school as determined by this chapter. Outside of these limits, these interventions shall be carried out by the Police Corps of Puerto Rico.

## **REGULATIONS**

### **Regulation Num. 8115. Article IX,E. Entries and searches.**

Will be carried out as a measure to guarantee a safe environment in our school campuses. These can not be performed randomly. As the authorized officials must strictly follow the procedures laid out in the present Article, to guarantee the reasonableness thereof to perform the interventions with the students.

#### 1. Authorized officials

a. Will have legitimacy to perform the entries and searches the following officials:

- 1) The School Principal
- 2) The teacher
- 3) The school's officer
- 4) Law Enforcement Officer

### **Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.**

#### 1. Concepts

d. Corporal punishment is prohibited. Reasonable force will only be justified when it is essential to prevent bodily harm to others or to the offending student himself, as well as to avoid damages to student property. In these cases you will need to call the police, policeman, school security officer or other public official so that he may proceed to engage in corresponding charges.



## Certification or training

### LAWS

#### **18 L.P.R.A. § 141j. Members: requirements.**

Any person interested in being considered as a member of the Corps shall submit to the Department a certificate of good conduct issued by the Police of Puerto Rico, and shall submit to a psychological evaluation that measures personality profiles which shall be administered by a psychiatrist or psychologist duly authorized to practice his profession in Puerto Rico and who has training in the area of behavioral modification or psychodiagnosis. The results of the psychological evaluation as well as the evidence that appears on the good conduct certificate shall be indispensable conditions which the Department shall consider when recruiting members of the Corps.

These persons will undergo a thorough and confidential investigation of their character, reputation, habits, behavior in the community and other details related to the honesty, integrity and suitability of the candidates.

#### **18 L.P.R.A. § 141k. Rules and regulations.**

The Secretary is hereby empowered to adopt the necessary rules and regulations for the implementation of this chapter, including the requirements that must be met by School Security Corps candidates. These rules and regulations shall include the requirement of undergoing Police Academy training for a period of not less than three (3) months, which shall be a part of the trial period of candidates. Such regulations shall conform to the provisions of present §§ 2101 et seq. of Title 3, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico".

### REGULATIONS

No relevant regulations found.

## MOUs, authorization, and/or funding

### LAWS

#### **18 L.P.R.A. § 141. Public policy.**

Whereas, it has always been the public policy of the Commonwealth of Puerto Rico to protect and watch over the well-being of our children; whereas, in the majority of the cases the public education system has been and is one that harbors the public school students of the country during a considerable portion of the day; whereas, our Commonwealth has been experiencing a constant increase in criminality and in acts of vandalism and violence which have taken place recently in the school buildings and grounds; it is, therefore, necessary and urgent to create a public security corps under the direction of the Secretary of Education for a more effective protection of the safety of students, teachers, administrative personnel as well as the school's physical facilities.

#### **18 L.P.R.A. § 141a. Definitions.**

For the purposes of this chapter, the following terms shall have the meaning expressed hereinbelow:

- (a) Corps. The School Security Corps created by this chapter.
- (b) Department. The Department of Education.
- (c) Secretary. The Secretary of the Department of Education.

(d) School building. Refers to the main building and any construction, annex, patio, garden and parking area of a school belonging to the Department of Education and shall include the following schools, among others: elementary, secondary, intermediate, high, commercial, vocational, technical, advanced skills, trade or agricultural instruction.

(e) School grounds. Shall include an area of two hundred (200) meters from the point closest to the outer boundary of the plot of land occupied by the school.

(f) Member or members of the Corps. Shall mean the personnel who are directly charged with keeping the peace and protecting the lives and property of the school community.

(g) School community. Students, teachers, officials, employees and persons authorized by law to enter and remain inside the school buildings and grounds.

#### **18 L.P.R.A. § 141b. Creation.**

The School Security Corps attached to the Department of Education is hereby created.

#### **18 L.P.R.A. § 141c. Organization.**

The Secretary is hereby authorized to determine the organization and administration of the Corps as well as its obligations, responsibilities and any other matters essential to its operation, by regulations that he shall promulgate to such effects. In the event that the convenience of bearing arms is provided, the authorization and approval of the Superintendent of the Police shall be obtained.

The Secretary shall request the necessary funds and administer them to achieve an effective operation of the Corps pursuant to the provisions of this chapter.

The Secretary shall take the necessary steps so that the members of the Corps shall first be assigned to those school buildings and grounds where there has been a high rate of vandalism and criminality. These schools shall be given priority at the Secretary's discretion.

The members and personnel of the Corps shall be subject to and protected by the provisions of Act No. 5 of October 14, 1975, known as the "Puerto Rico Public Service Personnel Act".

#### **18 L.P.R.A. § 141e. Coordination with the Government, Commonwealth Police and Municipal Guard.**

The Secretary shall coordinate with the Government and especially the Commonwealth Police and the Municipal Police, as necessary, in its efforts to prevent and fight crime in all of its forms in order to achieve the purposes for which the creation of this Corps is authorized.

The Commonwealth Police and the Municipal Police in those municipalities where it exists shall take the necessary steps to make the coordination provided herein effective.

This chapter does not restrict or limit in any manner the powers and duties assigned to the Police of Puerto Rico and the Municipal Police.

#### **18 L.P.R.A. § 141f. Commissioner; creation of post.**

The post of Commissioner of the School Security Corps who shall be charged with the direction and supervision of the Corps created by this chapter is hereby created and attached to the Department.

#### **18 L.P.R.A. § 141g. Uniform.**

The garments which shall constitute the official uniform of the Corps and the equipment destined to it shall be determined by regulations.

The use of the uniform or any combination of the garments that form a part of it by any person who is not a member of the Corps is hereby prohibited. Any person who violates the prohibition provided herein shall be guilty of a misdemeanor.

In the event the Superintendent of Police by request of the Secretary authorizes the members of the Corps by regulations to use weapons, they may bear such weapons while they are on watch outside of school hours, on holidays or when expressly authorized to do so.

**18 L.P.R.A. § 141h. Financial aid.**

The Secretary shall be empowered to accept aid or cooperation of any nature, whether it be financial, property or services, including donations, whether in cash, technical or personal services, or equipment, which originates from individuals, citizen groups or private entities, profitable or nonprofitable institutions, the government of the United States of America, from the Commonwealth of Puerto Rico, its municipalities, or from any government instrumentality, agency or subdivision in order to achieve the purposes of this chapter.

**18 L.P.R.A. § 141i. Contracting.**

The Secretary is hereby empowered to enter into every type of agreement and contract with public, juridical or natural persons, and with federal, Commonwealth or municipal agencies, under the terms and conditions he deems are necessary and convenient for the best application of this chapter and the achievement of its ends.

The Secretary shall take the necessary steps for the members of the Corps to be trained at the Puerto Rico Police Academy, and the Superintendent of Police of Puerto Rico is hereby authorized to offer all possible help and collaboration.

**18 L.P.R.A. § 141l. Annual report.**

The Secretary shall render an annual evaluation report to the Governor of the Commonwealth of Puerto Rico and to the Legislature in order to disclose the accomplishments and scope of this chapter which creates the School Security Corps.

**REGULATIONS**

No relevant regulations found.

## ***State Education Agency Support***

### **State model policies and implementation support**

#### **LAWS**

##### **18 L.P.R.A. § 3817. Functions and powers of the Department of Education.**

The Department of Education displays the following functions and powers:

- (a) To be part of the Commission by the Secretary of Education or the person designated to represent the Secretary permanently.
- (b) To establish the necessary agreements with the Commission to implement the provisions of this Act. The aforementioned agreements shall be formalized in a term not exceeding one hundred twenty (days) from the date on which the first constituent meeting of the Commission is held.
- (c) To receive and evaluate the financial reports of the alternate education institutions and manage semi-annual disbursements as the Custodian of the budget allocation contained in this act.
- (d) To refer to the Commission students potentially at high risk of school desertion in accordance to the regulations adopted by each entity for these purposes.
- (e) To authorize endorsements or cooperative agreements with the Federal or State Government; the agencies, municipalities, municipal consortiums, individual or entity, whether governmental or non-governmental, to enhance administrative and academic improvements in the system of public education in Puerto Rico.
- (f) Whichever usage in accordance to the objectives of this Act.

#### **REGULATIONS**

##### **Regulation Num. 8115. Article IX, B. School security.**

1. Appoint a Commission of Support for the Central level, a Council Support in school districts, and School Safety Committee in schools, as shown in the Manual for School Safety Support.

## **Funding appropriations**

#### **LAWS**

##### **18 L.P.R.A. § 3818. Funds for alternative education in Puerto Rico.**

To fulfill the purposes of this chapter, twelve million dollars (\$ 12,000,000) will be allocated to the Alliance for Alternative Education, Inc., starting on fiscal year 2012-2013. The Alliance should use part of this budget for professional development programs for its staff and to establish a student information system, in accordance with the provisions of sec. 3815 of this title. If there is any surplus in the budget allocated, it may be used in subsequent fiscal years for purposes associated to this chapter.

This assignment will be recurrently granted to the Alliance, but the Department of Education will be the custodian. This means that funds will be received by the Department of Education to be paid semiannually to the Alliance for Alternative Education Inc., upon presentation of financial reports, as referred to on sec. 3817 (c) of this title.

In addition, the amount of seven million dollars (\$ 7,000,000) for the operation of the Project C.A.S.A. be allocated annually in the budget of the Department of Education. If there is any surplus in the assigned budget, it may be used in subsequent fiscal years for purposes associated to this chapter.

The Treasury Department [of Puerto Rico] will deduct one percent (1%) of the budget allocated in this chapter, from the Alliance and Project CASA, and forward it to the Board of Education of Puerto Rico to defray the operating costs of the Commission of Alternative Education.

**18 L.P.R.A. § 3819. Permitted uses for the allocations made to institutions of alternative education.**

The funds provided by this chapter, shall be used for participating alternative education institutions for the following:

- (a) Distribution of funds, through subsidy or allocation per student, to organizations that have demonstrated effectiveness in the continuity of the implementation and development of alternative education programs.
- (b) Grants for creating new programs or strengthening newly established programs.
- (c) Grants or contracts for technical assistance and training related to alternative education.
- (d) Grants or contracts to implement outreach strategies for the public to understand the concept of alternative education.
- (e) Grants or contracts for external evaluations, investigations and studies which contribute to the documentation and collection of statistics on alternative education.
- (f) Promotion and cultivation of relationships with systems and alternative education institutions in other states of the United States and other countries.
- (g) Procurement of resources to raise additional funds for alternative education in Puerto Rico.
- (h) Administrative and / or operational costs required for the implementation of this chapter.

**18 L.P.R.A. § 3866. Budget.**

The “School Retention Program”, could use all the donation funds, facilities and properties of the local and federal government to fulfill these proposals, as allocated appropriately by authorities in accordance with the current legal framework.

**REGULATIONS**

No relevant regulations found.

## ***Other or Uncategorized***

### **Professional immunity or liability**

#### **LAWS**

##### **3 L.P.R.A. § 149k. Liability of frivolous allegations.**

None of the above provisions shall prevent the imposition of liability on unscrupulous persons or students who knowingly make frivolous allegations pursuant to §§ 149-149k of this title.

##### **18 L.P.R.A. § 10. Teaching personnel (teachers, librarians, advisors, social workers and others).**

All teaching personnel working in a public system educational institution shall have the right to:

- (e) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school director or the security authorities for purposes of reporting any delinquent behavior within the school.

##### **18 L.P.R.A. § 12. Non-teaching personnel.**

All non-teaching personnel working in a public system educational institution shall have the right to:

- (e) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school director or the security authorities for purposes of reporting any delinquent behavior within the school.

#### **REGULATIONS**

No relevant regulations found.

### **Community input or involvement**

#### **LAWS**

##### **18 L.P.R.A. § 15. Parents.**

- (a) To promote communication with their children so that they may become actively integrated with the activities in which they participate within the school environment.
- (b) To visit the school regularly to verify the academic performance of their children and obtain the academic progress report of their children at the end of each semester.
- (c) To be consistent in the disciplinary messages they give to their children. Parents are responsible for communicating their views on violence, crime and the use of illegal substances and self-defense. Beyond punishing their children, parents shall provide rewards and incentives for good behavior that would prevent future incidents of undisciplined conduct.
- (d) Parents shall stimulate social behavior in their children through role modeling. Through their daily activities, parents may teach their children how to establish social interactions, discuss their differences, solve conflicts, and work with frustration in problem solving, as well as anger and stress management. This behavior role modeling by the parents shall be a deterrent in view of other negative behavior that may attempt to influence the young in their social environment.
- (e) Parents shall become actively involved in organizations such as the school council and in school and community activities. Active participation in these organizations shall give parents the opportunity to better know about the needs of their children, to better know their teachers, and to ensure that their

children are able to satisfy their needs fully when they are not present. Parental presence in school activities gives continuity to the social role modeling efforts that take place in the home.

(f) Parents who own firearms shall keep them out of the reach of minors.

(g) To limit the exposure of the children to the violent environments and behavior projected through mass media. Children who watch violent acts in television programs, movies, cartoons, the Internet or video games could face problems in dealing with the unrealistic representations of violence shown by these media. Parents are responsible for advising their children and supervising the contents of what the students have access [to] at home.

#### **18 L.P.R.A. § 17. Elected officers and government agencies.**

(a) Elected officers are responsible for promoting legislation directed toward the reduction of school violence and the development of safe schools, provided that the resources of the Commonwealth so allow.

(b) Police officers and School Guards I and II shall be responsible for institutional order within one hundred (100) meters surrounding the school premises and in school sponsored activities, in accordance with the regulations established to such effects. It is necessary that these officers develop positive relationships with the components of the school community and exert maximum efforts to achieve a suitable environment for the development of the habit of responsibility and cooperation, and of sound school discipline.

(c) To give conferences and hold assemblies directed toward discussing topics such as school violence prevention, prevention of drug use in the schools, conflict management in the school environment, etc.

(d) Government agencies shall support and actively participate in school activities in order to promote a safe and wholesome environment.

(e) To support research projects directed toward the study of the school violence problem. The information from these research projects may serve as the foundation upon which to generate legislation or initiatives that reduce violence in our schools.

(f) To provide the necessary funds for the implementation of security initiatives in the schools, such as the installation of security devices, programs for monitoring the statistics of criminal and violent incidents in the schools, etc.

(g) To establish interagency collaborative agreements with federal agencies, municipalities and the private sector in order to promote school security.

#### **18 L.P.R.A. § 3816. Functions and duties of entities of alternate education.**

In order to implement public policy for alternate education in Puerto Rico, to guarantee the highest levels of quality and to promote the development of alternate education, these institutions perform the following functions:

(f) Promote collaborative endorsements with the municipalities or municipal consortiums in Puerto Rico and governmental or non-governmental organizations so as to expand services.

#### **18 L.P.R.A. § 3865. Duties and functions of the program.**

In case it is understood as a limitation, the Program includes the following minimal functions and responsibilities:

(f) Establish a more effective cooperation and coordination between interagency groups and community groups, academics, universities, field professionals for the purposes of this goal;

(g) Prepare a directory or registry of stakeholders that corresponds to the requirements that the Department of Education determines and promotes the services related with this problem

## REGULATIONS

No relevant regulations found.

## Other or Uncategorized

### LAWS

#### **18 L.P.R.A. § 9. Students.**

Every student in the public education system has the right to:

- (a) Receive an education that fosters the full development of his/her personality and the strengthening of respect toward human rights and the fundamental freedoms within a safe environment.
- (b) Spend his/her school day in a safe environment that is free from undue pressures related to school violence.
- (c) Receive orientation and a copy of the General Student Regulations of the Puerto Rico Public Education System and the Internal Security Regulations, with the provisions and sanctions thereof.
- (d) Be informed of the violent situations that have taken place in the school environment in order to remain alert thereto.
- (e) Enjoy broad and diverse opportunities for intellectual and artistic creativity and expression.
- (f) Be treated with fairness and equality and to develop within an environment of freedom, solidarity and full respect for human rights.
- (g) Be guaranteed safety, physical integrity and anonymity when reporting an act of violence he/she has witnessed to the school security authorities.
- (h) Receive the necessary tools for the constructive management of emotions and for verbal non-violent conflict resolution.
- (i) Receive orientation about the procedures to be followed in emergency situations, such as hurricanes, earthquakes, gas leaks, fires or terrorist attacks.

#### **18 L.P.R.A. § 10. Teaching personnel (teachers, librarians, advisors, social workers and others).**

All teaching personnel working in a public system educational institution shall have the right to:

- (a) Spend their workday in a safe environment that is free from undue pressures related to school violence.
- (b) Receive information regarding their responsibilities with respect to the Crisis Management Strategic Plan for violent incidents in the schools.
- (c) Be informed about their duties, regulations and sanctions with respect to school security.
- (d) Receive orientation and training to work with conflict situations such as fights, riots or disputes in order to identify when their own safety or that of their students may be in danger.
- (e) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school director or the security authorities for purposes of reporting any delinquent behavior within the school.
- (f) Receive orientation information and training about topics related to school violence, such as drug abuse, possession of weapons and management of conflicts, among others.
- (g) Receive orientation and training about the management of emergency situations such as hurricanes, earthquakes, gas leaks, fires and terrorist attacks, among others, in which their physical integrity or that of their students may be in danger.



**18 L.P.R.A. § 11. Parents, tutors or guardians.**

All parents with children in the Public Education System have the right to:

- (a) A safe study environment free from undue pressures related to school violence guaranteed for their children or the students under their care.
- (b) Know the security level of the school that their children shall attend before the completion of the enrollment process.
- (c) Enroll their children or students under their care in a school with security levels that foster the full development of the students in a peaceful environment.
- (d) Receive orientation and a copy of the General Regulations for the Students of the Puerto Rico Public Education System and the Internal Security Regulations, with the provisions and sanctions thereof.
- (e) Participate as an active member of the school council, the security council, the security committee and other committees that promote safety in the school.
- (f) Receive a copy of the reports of violent incidents registered for each semester in the school that their children attend.
- (g) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school director or the security authorities for purposes of reporting any delinquent behavior within the school.
- (h) Be informed promptly by the school director or the teachers when their children become involved in behavior that may generate violent acts in the school.
- (i) Receive support information for conflict management and promote a culture of peace in the school environment.
- (j) Receive orientation about their duties and/or responsibilities with respect to the management of emergency situations such as hurricanes, earthquakes, gas leaks, fires or terrorist attacks, among others, in which the physical integrity of their children or students under their care may be in danger.

**18 L.P.R.A. § 12. Non-teaching personnel.**

All non-teaching personnel working in a public system educational institution shall have the right to:

- (a) Spend their workday in a safe environment that is free from undue pressures related to school violence.
- (b) Receive information regarding their responsibilities with respect to the Crisis Management Strategic Plan for violent incidents in schools.
- (c) Be informed about their duties, and the regulations and sanctions with respect to school security.
- (d) Receive orientation and training to work with conflict situations such as fights, riots or disputes in order to identify when their own safety or that of any member of the school community may be in danger.
- (e) Have their confidentiality and anonymity guaranteed when they offer sensitive security information to the school director or the security authorities for purposes of reporting any delinquent behavior within the school.

**18 L.P.R.A. § 13. Department of Education.**

- (g) School authorities shall be responsible for coordinating with the Puerto Rico Police the installation of security devices such as video cameras and alarm systems in schools that are declared unsafe by the Department of Education.

### **18 L.P.R.A. § 3801. Definition of student.**

For purposes of this chapter, the term “student” refers to whatever person age 5 thru 21 studying at a formal educational program administrated by the Department of Education of Puerto Rico.

### **18 L.P.R.A. § 3802. Students’ general statement of rights.**

Every person has a constitutional right to be educated. Education is provided by the state for all the students of the Public System of Education of Puerto Rico at no cost to the parents or to the student. Education at the elementary and secondary levels is compulsory. Equal protection of the laws and rights conferred to all students is guaranteed under the Constitution of the United States of America, of federal laws, of the Constitution of Puerto Rico and further provision of laws, regulations and ordinances applicable. The students will be entitled, but not limited to, the foregoing rights:

1. To receive education oriented towards self-fulfillment and full development of the personality, the full realization of intellectual capacities, the strengthening of human potential and of fundamental freedoms.
2. The Special Education Programs will promote the optimal development of the personality, the physical abilities, mental and cognitive capability of students with special educational needs either by offering students’ academic preparation as well as by providing these students with the key tools for effective mainstreaming and integration into society.
4. Students shall have the right to access the evaluation criteria of the process that will evaluate their academic tasks and assessments; and to be continuously informed of their academic progress.
5. The student has the right to receive bilingual education and to be taught to communicate fluently in at least the two official languages in Puerto Rico, English and Spanish.

The parents of a non-emancipated minor or in the absence of parents, a legal guardian can communicate with the Department of Education the desire that the student receive education in English. For such purpose, parents and/or legal guardian of the student can apply for the student’s admission to an English Specialized School which will depend on the space availability and the norms and regulations of the Department of Education.

7. Freedom of Worship. Education in the schools of the state will be gratuitous and nonsectarian.
8. Equal Protection of the Law. All students have the right to equal protection of the law.
10. The Right to a Gratuitous and Secure Education

(a) Education will be gratuitous and accessible to all students age 5 thru twenty-one at the primary and secondary levels in the public schools in Puerto Rico.

11. School Curriculum. A curriculum that will develop to the maximum extent the intellectual, imaginative and emotional capacities of the students is implemented and integrated in the public schools of Puerto Rico. Concurrently, the curriculum will develop the capabilities of the students concerning healthy coexistence of the human being as an individual whose role in society is essential. These curricula/curriculums will encourage the analysis and critical thinking skills of students, therefore, leaving behind the habits of memorizing and rote learning of unnecessary data. Furthermore, the school will foster students’ development of human values and will enhance respect towards the dignity of human beings.

12. Special Education and Reasonable Accommodations. A student with a physical and/or mental disability or with special needs has a right to receive the essential services in pursuance to adjust to the condition and disability, and to experience holistic well-being as the result of a reasonable accommodation ,in accordance to sections 1352 et seq. of this chapter, entitled “Ley de Servicios Integrales Para Personas Con Impedimentos”, -Integral Educational Services Law for Persons with Disabilities, and the stipulations of the class action lawsuit Rosa Vélez vs. Department of Education of

Puerto Rico, KPE1980-1738. Whatever the impairment or medical condition, the student is entitled to confidentiality regarding this information, according to the pertinent federal and state laws.

14. Each student has the right to receive an education of excellence.
15. Each student should be regarded as an active learner able to interact in a social environment.
16. Each student shall have the right to be heard and to have opinions respected, moreover the obligation to listen to and respect the opinions of others.

**18 L.P.R.A. § 3803. Duties and responsibilities of students, parents and/or tutors and school authorities.**

1. Laws, regulations/rules, circular letters, norms, instructions and guidelines issued by academic authorities shall be respected.
2. Students will attend classes timely and regularly and will observe a proper and dignified behavior during the school schedule as well as at recess and other school activities, whether the activity takes place at the school premises or outside the premises.
3. Students, parents etc. will keep over, take care of, protect and cause no harm to public property, equipment, books and school materials.
4. Students, parents etc. shall refrain from interfering in the development of the class and activities inside the classroom.
5. Students, parents etc. shall not coerce any other student into participating on a particular point of view, nor will a student, parent etc. deprive or unduly restrict other students to dissent from their points of view.
6. Parents and/or legal guardians or tutors will hold the responsibility to assure timely and regular attendance of non-emancipated minors to school and will notify the school authorities whatever circumstance that prevents their children from attending school.
7. Parents, legal guardians and/or tutors will hold the responsibility for damages caused by non-emancipated minors to public property, equipment, books and school materials. In the case that the student causing the damage is legally of age or if emancipated, the student will personally respond for these damages.
8. Parents and/or legal guardians or tutors hold the responsibility to keep contact information updated in case communication is required by school authorities. This information will include, but will not necessarily be limited to the home address, parent's workplace, home phone number, cellular or parents' workplace phone number and information to contact a relative or closely-related person to parents if it were not possible to contact parents in an expeditious manner in case of an emergency. This information shall be kept safe and secure accessible exclusively to the director, the secretary of the school, the school counselor and/or the school's social worker.
9. If a student were absent for three sequential days without a justification, the school authorities hold the responsibility to contact parents and/or legal guardians or tutors of the student to determine the cause of the absence to school.
10. Duties and responsibilities enclosed within this section are not conclusive or mutually exclusive with whatever right, duty or responsibility the school grants or requests from the students.

**18 L.P.R.A. § 3804. Provisional rule of law.**

The Court of First Instance, Municipal Hall, possesses the primary jurisdiction on issues related to provisional rules of law to enforce this chapter; including but not limited to, protection orders, orders of cease and desists, and orders to enforce the rights and obligations contemplated herein or that were granted or required by other related laws. The proceedings under this chapter, shall be of a provisional

nature, circumscribed by the resolutions of the Grand Chamber of the Court of First Instance, or if it were the case, revoked by the Appellate Court or by one of higher hierarchy, by filing a civil appeal.

The Court, prior to the obligatory procedures, shall dictate whatever order, resolution or sentence necessary to guarantee the rights claimed by the student or his representative; or the duties the institution is claiming the student, custodian, tutor and/or parent with parental rights, except in cases of money collection.

The failure to comply with a court order by virtue of the provisions of this act will be penalized as a contempt of court. The Department of Education and the Administrative Office of the Courts in Puerto Rico, shall compel access to all students to the rights hereby granted and will ensure what has been specified in this chapter will be put into effect. This process should be expeditious and once the complaint is filed in court, it will be heard ex-parte, at the earliest the plaintiff, and will be issued a provisional rule of law if understood necessary by the judge. If the ex-parte provisional rule of law were issued or if the court does not emit it, understanding that the other part should be heard, the defendant should be summoned to court and so notified within a period that should not exceed five (5) calendar days. The judge then shall issue the provisional rules of law or the resolutions and orders, which could be indefinite or definite, as announced in court, or until the Court of First Court Instance, the Higher Chamber or a court of higher hierarchy makes a further ruling.

This section shall not apply to cases concerning programs of Special Education.

#### **18 L.P.R.A. § 3806. Interpretation of the law.**

Nothing in the provisions of this act shall be interpreted as being intended to exclude, restrict, hinder/thwart, undermine and/or negatively affect the inalienable rights of state and/or federal laws. The provisions of this act will be fulfilled but circumscribed to the availability of the facilities of the State.

#### **18 L.P.R.A. § 3807. Regulations.**

The Department of Education must upgrade current regulations to comply with the provisions of this act within a period not exceeding ninety (90) days.

### **REGULATIONS**

#### **Regulation Num. 8115. Article IX, G Infractions and Corrective or Disciplinary Measures.**

##### **5.a.2) Offenses against Property**

- a) Misuse Department of Education property - a student is guilty of violation if the Department of Education property is used in a manner other than that which it is intended ... if this is an aggravating circumstance, suspensions may be applied and increased. .
- b) Shredding or altering any official school document is in violation if any student voluntarily, among other things: alters, cuts, tears, burns, erases, stains or dirties any school official document, but without destroying it completely. ... In aggravating circumstances, a suspension may be increased by the defined term and he may order the replacement, repair, restoration or payment to be possible and necessary for document damage.
- c) Misuse of Internet in school- student is in violation if the Internet is used at school for the purpose of:
  - (1) altering, damaging or destroying the technological equipment or computer files, or
  - (2) accessing, printing or sending obscene, profane, threatening, or racist, or which is not authorized, material, or
  - (3) use of the official logo of the School Education Department or unauthorized electronic communications ... in aggravating circumstances, the sanction will be increased to suspension for a

period of six (6) to fifteen (15) school days and you may order them to replace, repair, restore or pay for any moveable property damaged or destroyed.

d) Illegal appropriation of property of others or the Department of Education - one is guilty if any student illegally obtains property belonging to the Department of Education, others in the school community, or visitors.

e) Vandalism - guilty of violation is any student who intentionally causes serious damage to the property of the Department of Education or of anyone at school or at school-sponsored activities or transportation to school.

#### 5.a.4) Offenses against Honor and Honesty

a) Defamation - any student guilty of violation, by any means maliciously, or who in any way publicly defiles, or discredits, or is suspected of having committed an illegal act or disputes the honesty, integrity, virtue or reputation of any person.

b) Engaging in misleading or deceptive activity to the detriment of the educational process - guilty of this violation is any student who voluntarily:

(1) obtains grades, degrees and other official documents that are simulations using false, deceptive or fraudulent means or

(2) steals or copies or plagiarizes answers or work of other students, or

(3) impersonates another person through trickery or deceit, or

(4) that induces another to take an examination (oral or written) on its behalf.

c) Observations of immoral behavior: Incurred in violation is the student who voluntarily engages in acts, gestures, symbols or practices that are hostile to the welfare of the general public and contrary to morality, harmony or order of the school; this is not limited to issues of sexual acts, it may include conduct that conflicts with what is right or indicative of corruption, indecency, depravity; lawless attitude or one that is deliberate, blatant and shameless, indicative of moral indifference towards the opinions of respected members of a community, or inconsiderate attitude regarding the order or public welfare.

#### **Regulation Num. 8502. Article IV. Procedure.**

10. Article 3.06 of the Law 22-2000, as amended, known as the "Vehicle and Traffic Law of Puerto Rico" provides that a person over sixteen (16) years but less than eighteen (18) years must meet the requirement of compulsory school attendance, as established by Law 149-1999. The Department of Transportation and Public Works may deny the issuance of the learner's permit or driving license to drive motor vehicles to the student who does not meet the requirement in this subsection.

## **State-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 Puerto Rico 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)
<b>Website</b>		
No relevant resources found.		
<b>Documents</b>		
Memorandum 16-2015-2016	Guidelines for the use of a school uniform in the Puerto Rican public school system.	<a href="http://intraedu.dde.pr/Cartas%20Circulares/16-2015-2016.pdf">http://intraedu.dde.pr/Cartas%20Circulares/16-2015-2016.pdf</a>
Memorandum 11-2015-2016	Public policy of the Department of Education for the handling of situations of abuse, institutional abuse, neglect and institutional neglect, as established by law 246-2011, as amended.	<a href="http://intraedu.dde.pr/Cartas%20Circulares/11-2015-2016.pdf">http://intraedu.dde.pr/Cartas%20Circulares/11-2015-2016.pdf</a>
Memorandum 10-2015-2016	Public policy to establish procedures for implementing a Prevention, intervention, and follow-through protocol in cases of bullying among students in Puerto Rican public schools.	<a href="http://intraedu.dde.pr/Cartas%20Circulares/10-2015-2016.pdf">http://intraedu.dde.pr/Cartas%20Circulares/10-2015-2016.pdf</a>
Memorandum 6-2015-2016	Norms and guidelines for Professional Counseling Programs in the School Environment (PCPEE [acronym in Spanish]).	<a href="http://intraedu.dde.pr/Cartas%20Circulares/6-2015-2016.pdf">http://intraedu.dde.pr/Cartas%20Circulares/6-2015-2016.pdf</a>
Memorandum 24-2013-2014	Public policy on the possession of arms in the schools and buildings of the Department of Education.	<a href="http://intraedu.dde.pr/Cartas%20Circulares/24-2013-2014.pdf">http://intraedu.dde.pr/Cartas%20Circulares/24-2013-2014.pdf</a>
Memorandum 20-2013-2014	Organization and operation for the program of Interdisciplinary Services for School Coexistence (SICE [acronym in Spanish]).	<a href="http://intraedu.dde.pr/Cartas%20Circulares/20-2013-2014.pdf">http://intraedu.dde.pr/Cartas%20Circulares/20-2013-2014.pdf</a>
Memorandum 16-2013-2014	Public policy to establish the procedure to follow in the implementation of the rules of school retention from the Department of Education.	<a href="http://intraedu.dde.pr/Cartas%20Circulares/16-2013-2014.pdf">http://intraedu.dde.pr/Cartas%20Circulares/16-2013-2014.pdf</a>
Memorandum 12-2012-2013	Public policy to establish the procedure for implementing the protocol of prevention, intervention and monitoring of bullying cases among students in public schools of Puerto Rico.	<a href="http://intraedu.dde.pr/Cartas%20Circulares/12-2012-2013.pdf">http://intraedu.dde.pr/Cartas%20Circulares/12-2012-2013.pdf</a>

Title	Description	Website address (if applicable)
Memorandum 05-2012-2013	Public policy for the prevention and prohibition against acts of harassment and intimidation amongst students ("Bullying") in public schools of Puerto Rico.	<a href="http://intraedu.dde.pr/Cartas%20Circulares/05-2012-2013.pdf">http://intraedu.dde.pr/Cartas%20Circulares/05-2012-2013.pdf</a>
<b>Other Resources</b>		
No relevant resources found.		